

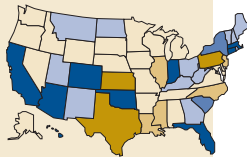
CASELOAD HIGHLIGHTS

EXAMINING THE WORK OF
THE STATE COURTS

VOLUME 15, NUMBER 1

FEBRUARY 2008

Maximum terms of jury service by state - inside on page 4.



National Jury Improvement Efforts

Although jury trials account for a very small proportion of case dispositions, they require a disproportionate amount of court resources in preparation for trial and during trial. Increasingly, court leaders have come to recognize that measurable improvements in jury system management can result in substantial improvements in overall court efficiency, permitting courts to shift resources from the jury system to other areas of the court.

State courts have dedicated a great deal of attention toward improving state and local jury systems in recent years. Many of these efforts focused on improving the comprehension and performance of juries and increasing citizen satisfaction with jury service. But an equally large number of initiatives began as part of more comprehensive court reform efforts to improve the efficiency and effectiveness of court operations.

Until recently, the impact of specific jury improvement efforts was based on anecdotal reports from courts scattered across the country. In April 2007, the NCSC Center for Jury Studies released its findings from the *State-of-the-States Survey of Jury Improvement Efforts*, which provides a comprehensive snapshot of jury procedures, operations, and practices in state and local courts. For the first time, courts have baseline information about their peers against which they can assess their own performance on a number of key operational measures. This issue of *Caseload Highlights* describes these measures and the approaches that state courts have implemented to improve jury system performance.

The State-of-the-States Survey of Jury Improvement Efforts

consisted of three separate, but related, components. The first component (the *Statewide Survey*) documented statewide jury improvement efforts and the state infrastructure governing jury system management and trial procedures in all 50 states and the District of Columbia. The second component was a survey, distributed to each state's general jurisdiction courts (the *Local Court Survey*) that focused on local jury operations such as juror pay, juror yield rates, and terms of service. A total of 1,396 *Local Court Surveys* were returned to the NCSC, representing more than 1,500 counties and municipalities and encompassing 70 percent of the total U.S. population. The final component was a survey distributed to judges and lawyers (the *Judge & Lawyer Survey*) in which they were asked to describe jury trial practices employed in their most recent jury trial. The NCSC received reports from 11,752 jury trials in state and federal courts in all 50 states plus the District of Columbia, most of which took place between 2002 and 2006. For more detail see *State-of-the-States Survey of Jury Improvement Efforts: A Compendium Report*.

State-of-the-States Survey Components

Component	States Represented	Who Was Surveyed	Respondents	Survey Topics
Statewide Survey	50 states plus DC	Office of the Chief Justice or the Administrative Office of the Courts	51	Jury improvement efforts, infrastructure governing jury system management, and trial procedures.
Local Court Survey	49 states plus DC	State Trial Courts	1,396	Local jury operations.
Judge and Lawyer Survey	50 states plus DC and Puerto Rico	State and Federal Trial Court Judges and Lawyers	11,752 (10,395 - state, 884 - federal, 473 - unknown)	Jury practices employed in their most recent jury trial.

Jury yield is a common measure of the administrative effort and costs expended to secure an adequate pool of prospective jurors for jury selection. The term “jury yield” is a calculated rate that refers to the number of summonses that the court must mail in order to identify one person who is *qualified* and *available* for jury service. It is one of 10 key measures of court performance included in the NCSC **CourTools** that court managers can use to assess court performance.

8 percent). Approximately five percent of jurors defer their service to a new, ostensibly more convenient, date.

Not all jurors who are summonsed are ultimately told to report to the courthouse for jury service. Most courts routinely “waive off” excess jurors – that is, inform jurors that they do not have to report to the courthouse when the trials are cancelled due to plea agreements, settlements, or continuances. The *State-*

annually (50 percent and 80 percent of 17,811,109 respectively).

A number of local court procedures and community characteristics affect jury yields. As Figure 1 shows, one important factor is whether the court employs a one-step or two-step process to qualify and summons citizens for jury service. In a two-step process, the court sends qualification questionnaires to a random sample of citizens from its master jury list; it then summonses only those who are found to be qualified for

	Potential Availability	No Availability	% of Potential Availability	
A. Summons Sent	31,857,717	E. No Show	2,564,566	7.6%
B. Postponed to Serve this Period	+ 1,744,481	F. Undeliverable	+ 4,147,033	12.3%
C. Told Not to Report	- n/a	G. Disqualified	+ 2,592,016	7.7%
		H. Exempt	+ 2,120,201	6.3%
		I. Excused	+ 2,622,792	7.8%
D. Total Potentially Available	= 33,602,198	J. Postponed to Future	+ 1,744,481	5.2%
		K. Total Not Available to Serve	= 15,791,089	
Total Serving and Yield				
L. Total Serving (D - K)	= 17,811,109			
M. Juror Yield (%) [(L/D)*100]	= 53%			

Table 1 reflects the estimated national jury yield based on statistics provided by local courts in the *State-of-the-States Survey of Jury Improvement Efforts*. Overall, slightly more than half of all people summonsed are ultimately found to be qualified and available for service. The single biggest category of people who are unavailable to serve (12 percent) is comprised of people to whom the summons could not be delivered due to out-of-date or inaccurate addresses on a court’s master jury list. Other prospective jurors are disqualified, exempted, excused, or fail to appear for service in roughly equal proportions (6 percent to

of-the-States Survey did not collect information from local courts about their waive-off rates, but the NCSC Center for Jury Studies reports that typical rates range from 20 percent to 50 percent of summonsed jurors. Based on those rates, an estimated 9 million to 14 million prospective jurors report to state courthouses

jury service. One-step jury systems combine the two stages; the qualification questionnaire and summons are mailed as a single document, and

Figure 1: Average Jury Yield

by Summoning/Qualification Process



by Local Population Size

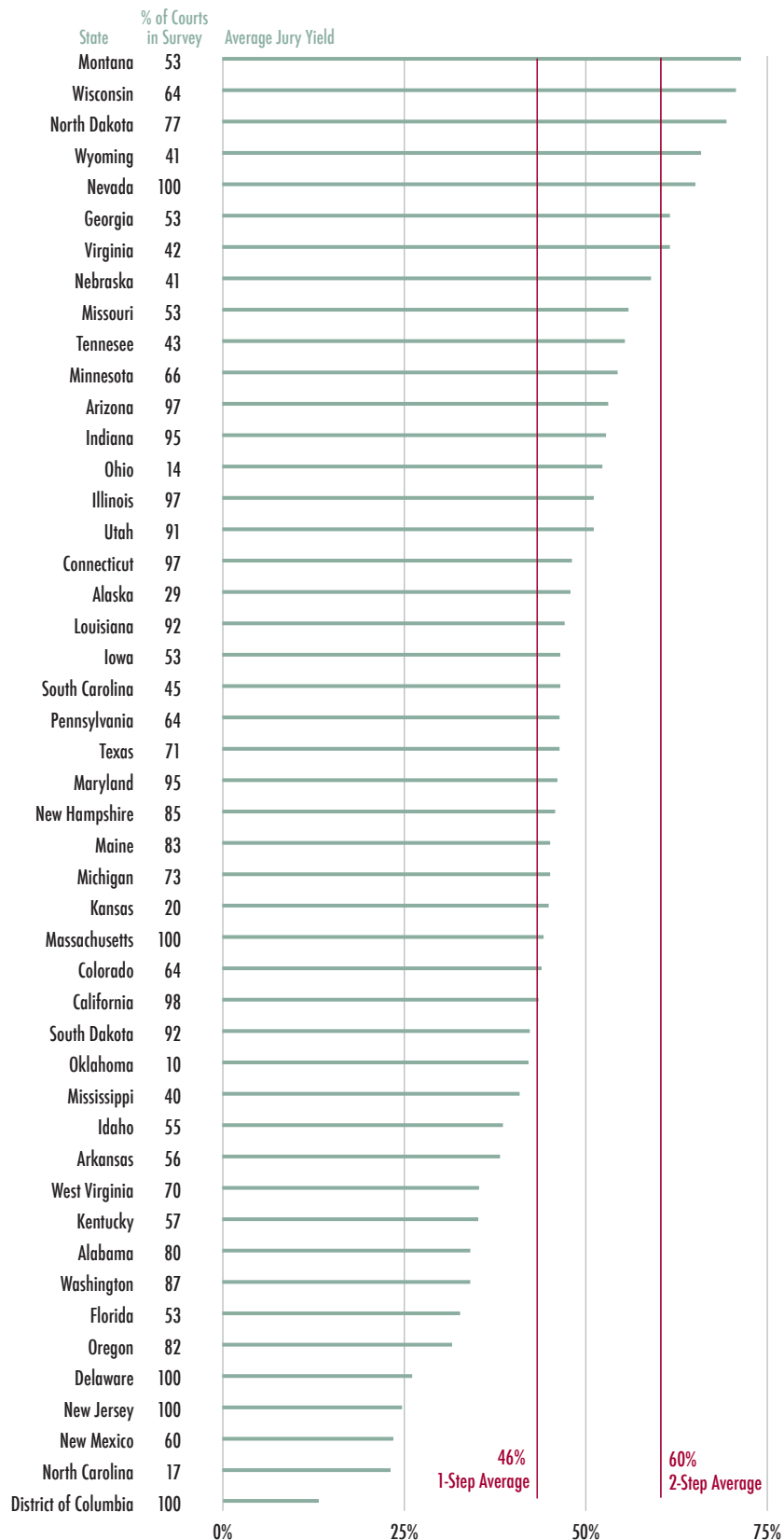


citizens are instructed to return the qualification information before their service date. An estimated 58 percent of local courts are one-step courts (667 of 1,141), but they serve an estimated 71 percent of the U.S. population. Typically, the jury yield is higher in two-step courts because they do not send summonses to individuals that have been disqualified, exempted, or excused from service, or for whom the qualification questionnaire was previously returned as undeliverable.

There are marked differences in jury yield in urban areas compared to suburban and rural areas. Typically, urban areas have lower overall jury yields due to higher mobility rates, which result in more undeliverable summonses, and higher non-response/failure to appear rates. Courts in rural areas typically have higher overall jury yields, but their term of service – that is, the length of time citizens must make themselves available for jury service – also tends to be longer, resulting in a larger proportion of jurors excused from service due to hardship.

Courts are becoming increasingly attentive to their jury yield, both for reasons of cost-effectiveness and public integrity. Ideally, only those individuals who are truly

Figure 2: Statewide Average Jury Yield



The statewide jury yield varies considerably based on local conditions and on the mix of one-step and two-step jury operations in each state.

Table 2: Local Court Survey - Juror Pay

Juror pay is a flat rate for all service days		Juror pay is graduated (3rd day pay rate)	
New Mexico	\$41.20	Colorado	\$50.00
New York	\$40.00	Massachusetts	\$50.00
West Virginia	\$40.00	North Dakota	\$50.00
Nebraska	\$35.00	South Dakota	\$50.00
Mississippi*	\$28.50	Wyoming*	\$50.00
District of Columbia	\$30.00	Utah	\$49.00
Hawaii	\$30.00	Indiana*	\$40.68
Virginia	\$30.00	Michigan	\$40.19
Georgia*	\$24.27	New Jersey	\$40.00
National Average - Flat Rate	\$21.95	Nevada	\$40.00
New Hampshire	\$21.29	Arkansas	\$35.00
Minnesota	\$20.59	National Average - Graduated Rate	\$32.34
Oklahoma	\$20.00	Arizona	\$30.00
Maryland	\$17.50	Florida	\$30.00
South Carolina*	\$16.16	North Carolina	\$30.00
Wisconsin	\$16.00	Vermont	\$30.00
Rhode Island	\$15.00	Texas	\$26.80
Illinois*	\$13.15	Alaska	\$25.00
Kentucky	\$12.50	Louisiana	\$25.00
Washington*	\$11.59	Montana	\$25.00
Tennessee	\$11.55	Oregon	\$25.00
Alabama	\$10.00	Pennsylvania	\$25.00
Idaho	\$10.00	Washington	\$25.00
Iowa	\$10.00	Missouri	\$20.40
Kansas*	\$10.00	Delaware	\$20.00
Maine	\$10.00	Ohio*	\$20.00
		Illinois	\$16.50
		California	\$15.00
		Connecticut**	\$0.00

* Localities may supplement state-mandated juror fee. Rate reflects average fee for counties reporting.

** Connecticut pays jurors \$50 per day beginning on the 6th day of service; employers are required to pay jurors regular wages and salaries for the first five days of jury service.

Deferral: grant a request from a prospective juror to reschedule the juror's date of service due to a preexisting obligation or other circumstance that would make service on the original date difficult or inconvenient.

Exemption: a statutory right granted to certain classes of citizens, usually related to occupational status, which permits those citizens to decline jury service if summonsed. This can include persons who have recently served and are exempt by statute. Compare with "excuse" in which the trial court exercises its discretion to grant or deny a request to be excused from jury service.

Excuse: grant a request from a prospective juror to be excused from jury service, usually due to medical or financial hardship. Compare with "exemption" in which the prospective juror may decline to serve as a matter of right.

Failure-to-appear rate: the proportion of summonsed jurors who do not report for service on the assigned date and who fail to inform the court of the reason why they cannot report or make other arrangements to fulfill their jury service.

Interactive Voice Response (IVR) technology. A technology application that permits jurors to communicate directly with the jury management automation system using telephone touch-tone signals to indicate qualification status, to claim an exemption, or to request to be deferred or excused from jury service.

Juror source list: A list of potential jurors and their addresses used to compile the master jury list from which names are randomly selected to be summonsed for jury service. Common juror source lists include the list of registered voters, the list of licensed drivers, and the list of state identification card holders. Some states also use the list of state income or local property tax filers, and the list of persons receiving public assistance or unemployment compensation.

Jury trial rate: the number of jury trials expressed as the percentage of total jury eligible cases filed.

Jury Automation and Procedures

Jury summons: a court order demanding that a person appear for jury service on a specified date.

Master jury list: the final list of people and their addresses from which names are randomly selected to be summonsed for jury service. When two or more juror source lists are used to compile the master jury list, duplicate names are deleted. In a two-step court, names are randomly selected from the master jury list to receive a qualification questionnaire; the names of individuals who are deemed qualified for jury service are placed on the qualified juror list and are randomly selected to be summonsed for jury service.

NCOA: The acronym for the “National Change of Address” database that is created and maintained by the U.S. Postal Service, which licenses private vendors to update mailing addresses such as the master jury list, the qualified juror list, or the list of persons to be summonsed.

Non-response rate: the proportion of jurors who are sent a qualification questionnaire or summons and who fail to respond with information about their qualifications to serve as a trial juror.

OD/OT: The acronym for a “One Day or One Trial” term of jury service. Under an OD/OT jury system, if a person reports for jury service and is selected as a trial juror, they serve only for the duration of that trial and are then released from service until they are eligible to be summonsed again (typically 12 to 36 months). If the person is not selected as a trial juror, they are released from further service at the end of the day.

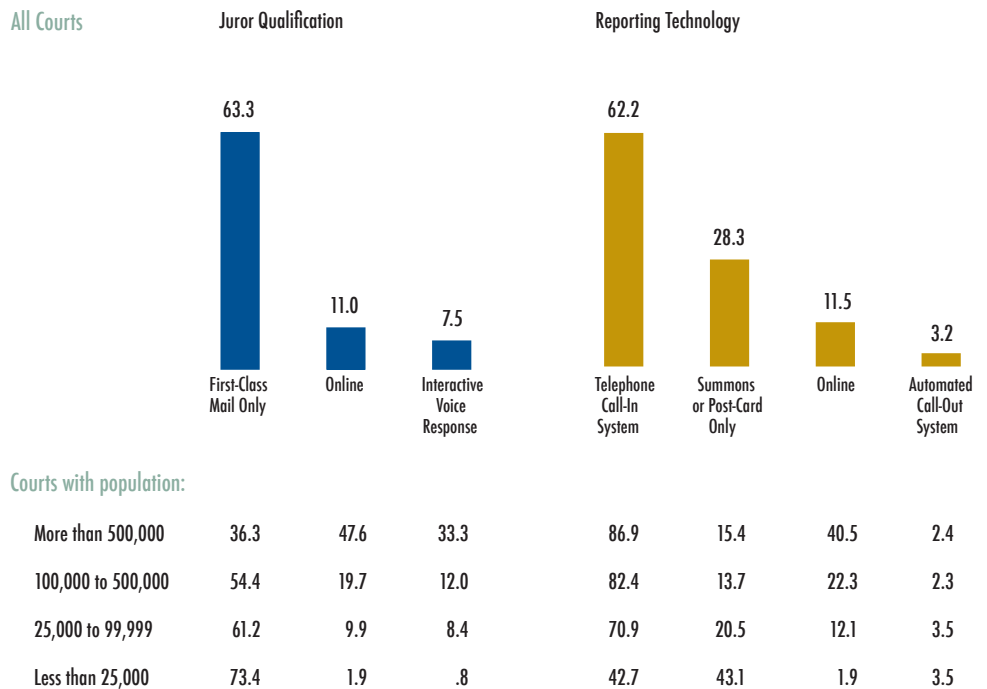
Qualification: the requirements established by the state legislature to serve as a trial juror. In most jurisdictions, these requirements include U.S. citizenship, residency in the jurisdiction to which the person has been summonsed for jury service, age 18 or older, able to speak and understand English proficiently, and not under a legal disability such as a felony conviction or mental incompetence.

According to the U.S. Census Bureau, 55 percent of U.S. households have Internet access and 96 percent have a telephone. One development in jury system technology allows citizens to communicate with their local courts using contemporary Internet and interactive voice response (IVR) software. These technologies provide citizens added convenience and flexibility in responding to the qualification questionnaire, requesting to be excused from service or deferring to a more convenient reporting date, and checking on their reporting status. Because most of the software applications inter-

face directly with the jury automation system, they can also reduce the time jury staff spend in routine administrative tasks. Instead, staff can focus on citizens who need more personal assistance. Overall, however, courts have been slow to adopt these technologies, relying instead on traditional communication methods, mainly first-class mail and telephone. Figure 4 illustrates the prevalence of various methods of automation at different stages of the juror process, by jurisdiction size.

Although web-based technology is ubiquitous in most areas of contemporary

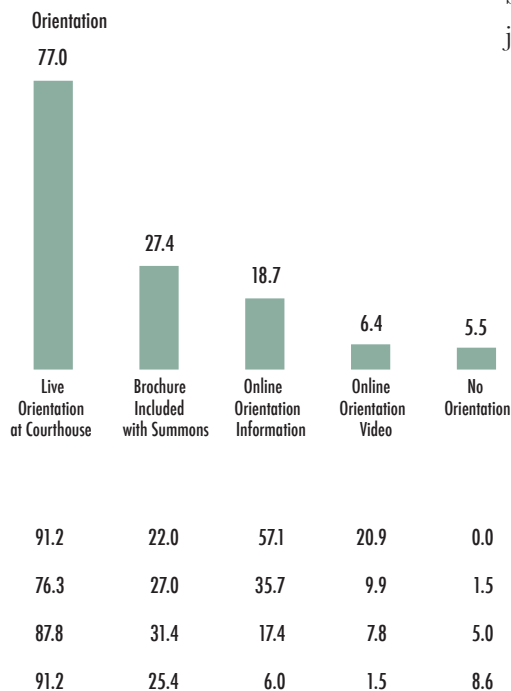
Figure 4: Jury Automation - Percent of Courts Using Various Types of Technology



life, local courts do not appear to have embraced it for jury management purposes. Less than 20 percent provide basic juror orientation information online and only 11 percent use the Internet for juror qualification or informing jurors about their reporting status. This technology was somewhat more prevalent in courts serving populations greater than 500,000, but it primarily consisted of posting orientation information online. Fewer than half of urban courts offer online or IVR qualification options.

An informal NCSC Center for Jury Studies survey of courts that offer

Internet communication and notification options to prospective jurors found that typical online response rates range between 25 and 35 percent. Community characteristics, such as the availability of Internet access and the age and educational levels of the local population, obviously affect the extent to which jurors take advantage of these options, but other factors may play a more significant part. In particular, website functionality (that is, the scope of communication options and the ease of using these options), procedural factors including the extent to which jurors can transact all of their business online, and court efforts to inform citizens of the availability of online technologies and encourage their use are reported to be as or more important than local community characteristics. Similar reports have been made about jurors' use of IVR technologies.



Qualification questionnaire

(juror affidavit): a questionnaire on which a prospective juror indicates under oath whether he or she is statutorily qualified for jury service.

Qualified juror list: the list of persons who have responded to a qualification questionnaire who are statutorily qualified for jury service. A separate qualified juror list is typically only maintained by courts using a two-step jury process.

Term of service: a term referring to the maximum length of time that a person might be compelled to make himself or herself available to serve as a trial juror. The term of service may be established by the state legislature or by local court rule.

Undeliverable jury summons: A jury summons that has been returned to the court marked "undeliverable at this address" by the U.S. Postal Service.

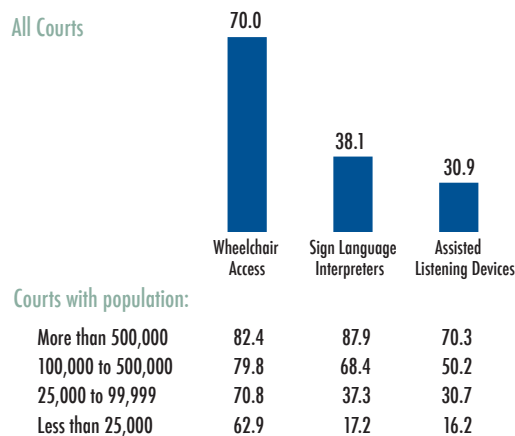
Waive-off rate (cancellation rate): the proportion of summonsed jurors who are told not to report for service due to cancelled or postponed jury trials on the date specified for jury service. Most jurisdictions that have the ability to waive-off jurors do so through a recorded message that jurors call the night before they report for service. Other courts mail jurors a postcard, telephone jurors, or otherwise contact jurors individually to inform them not to report.

Yield: the proportion of persons summonsed for jury service that is subsequently found to be statutorily qualified and available for service on the date specified on the jury summons. Courts with a two-step jury system break this measure into its two component parts: the qualification yield (the percentage of persons sent a qualification questionnaire who are statutorily qualified for jury service) and the summoning yield (the percentage of qualified jurors who are available for jury service on the date specified on the jury summons).

Access for Jurors With Disabilities

Accommodating disabled jurors is essential to ensure that the jury pool is diverse, that it reflects a fair cross section of the community, and that it provides an opportunity for all citizens to serve on a jury. The majority of courts have been built or renovated to provide wheelchair access for disabled jurors and courts in more populous areas also provide accommodations for hearing-impaired jurors. But courts in less populous areas still lack the facilities and resources to provide full access for disabled jurors. Figure 5 shows the percent of courts offering accommodations for disabled jurors by jurisdiction size.

Figure 5: Percent of Courts Offering Accommodations for Disabled Jurors



The Court Statistics Project (CSP)

Since 1975 the Court Statistics Project (CSP) has provided a comprehensive analysis of the work of state courts by gathering caseload data and creating meaningful comparisons for identifying trends, comparing caseloads, and highlighting policy issues. The CSP is supported by the Bureau of Justice Statistics and obtains policy direction from the Conference of State Court Administrators. A complete annual analysis of the work of the state trial and appellate courts will be found in *Examining the Work of State Courts, 2006*.



CASELOAD HIGHLIGHTS

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Points of view expressed herein are those of the authors and do not necessarily represent the official position or policies of the Bureau of Justice Statistics.

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