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# Jury System Management

G. Thomas Munsterman

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# Acknowledgments

This publication is based in large part on the *Methodology Manual for Jury Systems*, which I and my former colleagues at the Center for Jury Studies prepared in 1979. That team consisted of the late Dr. William ("Bill") R. Pabst who, as an unhappy juror in the late 1970s, came back to our office at Bird Engineering with the belief that we could help improve jury systems. To further our work begun there, my wife Janice, Bill, and I established the Center for Jury Studies in 1977 and were joined by Judy Hawes and Chip Mount.

We observed many innovative practices in jury system management in the many courts we studied. We borrowed and expanded on these concepts to arrive at the methods presented in the manual. I acknowledge their work, spirit, and collegiality. Now as a part of the National Center for State Courts and with support from the State Justice Institute and with great help from our series editor, Charles Campbell, I have updated and expanded the manual, which I dedicate to Bill.

*Tom Munsterman*

## Foreword

*"Courts now have available a broad range of innovative techniques and tested methodologies that can both expand the pool of citizens available for jury duty and reduce the cost of operating a jury system. The time to implement these concepts is more ripe now than ever, given the growing number of law suits challenging traditional jury selection methods and the increased constraints on government spending. The most significant reason for embracing these changes, however, lies in the needs and expectations of the public served by the criminal justice system. If the community loses faith in the government's ability to provide justice, or loses respect for the courts in particular because they have arbitrarily failed to protect the one truly democratic institution in the system, the integrity of the judicial system will be irreparably damaged."*

Henry S. Dogin and David I. Tevelin, "Jury Systems of the Eighties," *University of Toledo Law Review*, 11 (1980): 939.

This manual (originally titled *Methodology Manual for Jury Systems*) was written in 1979 to support the Incentive Program in Juror Usage and Management of the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice. Under that program, a number of state courts received grants to assist them in the improvement of their jury systems. This manual provided the methodology by which these courts examined their jury operations. The Incentive Program had a number of standards by which these operations could be evaluated.

In 1981 the LEAA asked that a task force with representatives from the major national court organizations be convened to determine if standards relating to juror use and management could be established and if so, to propose these standards. The National

Center for State Courts provided support to that task force.<sup>1</sup> The task force reviewed the progress made in the jury management area and visited courts that had been innovative in jury management. The resultant *Standards Relating to Juror Use and Management* were adopted by the organizations represented on the task force. The American Bar Association's House of Delegates adopted the standards in 1983.<sup>2</sup> The task force organizations, and especially the ABA, have promoted the consideration, adoption, and implementation of these standards in each individual state. Individual states, with funding from the State Justice Institute, have adopted the standards, and many have implemented the standards statewide. This manual has been shown to provide a great deal of help in the establishment of standards and in the implementation process.

A supplement to the original manual was written in 1987 to relate the standards to the procedures given in the manual.<sup>3</sup> Portions of the supplement have been included in this revision.

Standard 3.2 of the *Trial Court Performance Standards*, "Juries," states that a court is in conformance if its jury lists are representative of the jurisdiction from which they are drawn.<sup>4</sup> The measures to determine this conformance are 1) inclusiveness of the source list, 2) the use of random procedures, and 3) the representativeness of the juror pool. These are discussed in elements 2, 3, 8, and 12 of *Jury System Management*.

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<sup>1</sup> The task force consisted of representatives from the following organizations: Conference of State Court Administrators, National Association for Court Administration, National Association of Trial Court Administrators, National Bar Association, National Conference of State Trial Judges, National Conference of Special Court Judges, National Conference of Metropolitan Courts, National Conference of Federal Trial Judges, and the Appellate Judges' Conference.

<sup>2</sup> The *Standards Relating to Juror Use and Management* is available from the American Bar Association, Service Center, Chicago, Illinois 60611.

<sup>3</sup> "A Supplement to the Methodology Manual for Jury Systems: Relationship to the *Standards Relating to Juror Use and Management*," May 1987, G. Thomas Munsterman, Janice T. Munsterman, Geoff Gallas, National Center for State Courts, CJS-014.

<sup>4</sup> Commission on Trial Court Performance Standards, *Trial Court Performance Standards with Commentary* (Williamsburg, VA: National Center for State Courts, 1990), pp. 14-15.



## Introduction

*"Technology cannot make people behave in a just manner,  
nor is it able to undercut the time required for formal institutional changes.  
What it can do is illuminate those areas of the justice system long shrouded in the  
vague convention and habits that sometimes pass for tradition.  
In doing so, it provides those dedicated to justice and to excellence in public service  
with an instrument for the exercise of their leadership.  
This Manual is such an instrument."*

R. John Gregirch, Director, Adjudication Program Management Team, Department of Justice, LEAA (1979).

This manual, developed to support the LEAA Incentive Program in Juror Usage and Management, updates and extends the principles and practices published earlier in *A Guide to Juror Usage* and *A Guide to Jury System Management*.<sup>1</sup> Many courts have adopted the techniques presented in the guides and have found them to be effective in conserving juror time, in saving juror and court costs, and in increasing the willingness of citizens to serve as jurors. They have also been agreeably surprised to find that the changes in procedures benefited most of the people involved—jurists and jurors, courts and the community.

Individual courts have found some of the new techniques more useful than others; in many instances, they were led to innovations in their individual operations, which will be helpful to other courts. Their experiences have been incorporated in this manual on *Jury System Management*. It does not encompass practices still emerging and developing, nor does it address any fundamentals of jurisprudence. It does touch on such details as the length of service requested from a juror, information provided to the individual, the way in which the juror is assigned to courts, and the number of jurors assigned.

To provide standards against which each court can evaluate its jury system manage-

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<sup>1</sup>National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, *A Guide to Juror Usage* (Washington, D.C., 1974); *A Guide to Jury System Management*, (Washington, D.C., 1985).

ment program, twelve elements of a jury system have been defined, and most of these elements have been assigned a quantitative measure (or standard) based upon achievable and demonstrated results of efficient jury system administration.<sup>2</sup> The standards are not intended to be rigid or limiting, for there may be compelling and practical reasons why the standards defined here cannot be reached. Likewise, there may be other possible improvements, which should not be neglected. In considering changes in a jury system, however, court managers should consider each of the following twelve elements as part of an interrelated whole and as a potential area for improvement.

1. *Jury System Management Plan*—Identification of each jury operation, who is responsible, and the plans for improving practices.
2. *Source Lists*—Examination of present and potential source lists for inclusiveness and cross-section coverage.
3. *Qualification/Summoning*—Study of qualification and summoning processes to determine the most effective system and the least expensive means of delivery.
4. *Exclusions*—Analysis of exemptions, ineligibilities, excuses, and postponements to increase cross-section and yield.
5. *Orientation*—Development of efficient orientation for jurors as part of their first day of service.
6. *Term of Service*—Adoption of the one-day/one-trial system whenever practicable to lessen the burden of jury duty on individuals.
7. *Jury Utilization*—Operation of a jury pool only when shown to be useful and to achieve 100 percent utilization in panels and 50 percent as sworn jurors.
8. *Standard Panel Sizes*—Determination of optimum standard panel size.
9. *Calendar Coordination*—Communication between jury system and calendar control to balance the numbers of jurors with court needs.
10. *Standby Jurors*—Procedures for holding citizens available for jury service by means of telephone standby systems.

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<sup>2</sup>These element standards are not the same as the standards given in the *Standards Relating to Juror Use and Management*. Because both are in use in the courts, we have not changed the text. Some confusion is understandable.

11. *Voir Dire*—Examination of voir dire practices to increase juror usage and to facilitate caseflow.
12. *Monitoring and Control*—Decision making based on collection and analysis of jury system operating data.

A section of the manual is devoted to each of the twelve elements, defining the element, the operations involved, quantitative data related to or controlling the element, and the means of implementing change. The elements are generally ordered in the sequence of jurors flowing through the system—from the initial source list through qualification and summoning of people, to their involvement in the jury trials and on to their final exit (see Figure 1). Some of the elements, however, affect more than one point in the juror flow. For example, *orientation* touches jurors at the initial selection point and throughout their tour of duty—how ever long it is. *Term of service* defines the juror flow rate through the system. The initial *plan* itself covers all the other elements, whereas *monitoring and control* includes the collection and analysis of operating data to ensure that the system is functioning well.

The four points of data collection are

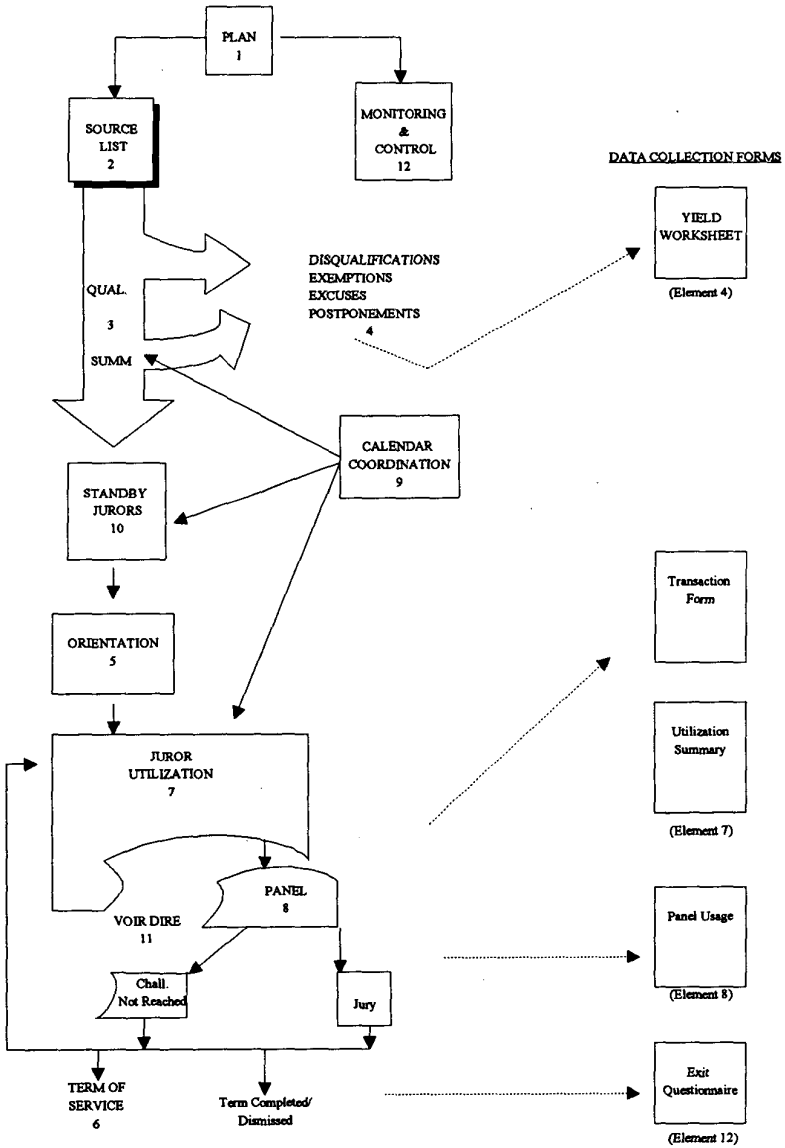
1. Yield computation at qualifying and summoning
2. Utilization Summary Sheet for measuring juror usage
3. Panel Usage form for providing information as to the necessary size of panels
4. Juror Exit Questionnaire for monitoring system operation

Although these data collection operations are included as part of four jury system elements, the data collected at these points allow sufficient monitoring and control of the whole system. The manual will describe in detail the use of the forms and the techniques for analyzing the measures of control. Although the data are necessary and integral to the system, they are important not in themselves but only as a means of viewing and controlling the operation as a whole.

Each court should evaluate its present operation against the element standards described in this manual (see Table 1) to decide where new techniques are needed in its jury system management program. If a quantitative standard is equaled or exceeded, action may not be necessary in that aspect of the jury system. If a standard is not met, the area involved should be studied and, if possible, improved.

The values are based upon achievable and demonstrated results in courts. The purpose of the standards is to stimulate study and improvement and to facilitate the wise allocation of resources. The element standards should also be recognized as goals, which, along with the other goals of the courts, help to produce an efficient administration of justice.

Figure 1  
 The Jury System Flow by Element



**Table 1**

**Element Standards**

SYSTEM ELEMENTS	ELEMENT STANDARD						
1. Jury System Plan	Develop and obtain approval						
2. Source List Eligible population coverage	\$ 85%						
3. Qualification/Summoning Mail Yield (total)	Combined into a single process First class > 40%						
4. Exemptions, Excuses, Postponements Class exemptions Excuses Excuse policy Postponements Exclusions	None Granted for hardship only Develop written policy Allow Mail or phone prior to reporting						
5. Orientation	First day of attendance # 1 hour						
6. Term of Service Usual appearances in pool	One day/one trial One day						
7. Juror Utilization Voi dire attendance Trial attendance <u>Service - Peak (%)</u> Service	\$ 100% \$ 50% # 20%						
8. Panel Sizes Not reached Large panel	# 10% Prior notification for notorious cases						
9. Calendar Coordination Panel calls per day Zero panel call days	\$3 # 10%						
10. Standby Panels Prediction formula Standby call-in Midday notice	Develop method Develop Consider need						
11. Voir Dire Multiple voir dire Single-day impanelment	Consider use in small courts Consider when three panel calls per day are not achieved						
12. Monitoring and Control Juror days per trial (JDPT) People brought in (PBI) to select a jury	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><u>6-Member</u></td> <td style="text-align: center;"><u>12-Member</u></td> </tr> <tr> <td style="text-align: center;">24</td> <td style="text-align: center;">40</td> </tr> <tr> <td style="text-align: center;">18</td> <td style="text-align: center;">30</td> </tr> </table>	<u>6-Member</u>	<u>12-Member</u>	24	40	18	30
<u>6-Member</u>	<u>12-Member</u>						
24	40						
18	30						
13. Administrative Cost Per Juror	# \$5						

# 1

## Jury System Management Plan

*The purpose of this element is to provide an overall management plan for the operation of the jury system. This plan will provide a detailed description of the organizational structure and procedures of the applicant's current jury operation and will outline an action plan for the court to follow in making necessary changes in procedures. The plan must fix responsibility and authority for the functions of the jury system and provide that those responsible collect, maintain, and analyze required management information to serve as the basis for decisions that affect the system. The plan can provide for the regular reporting of system performance in each of the program elements to the state court administrator's office.*

The jury system management plan is a written description detailing the responsibilities for managing the system, the operating steps, and the policies of the court. Generally, courts do not document their jury system operations. In fact, only a few states require a court to file a jury system plan. All federal district courts are required to have such plans.

This jury system management plan can be used for several purposes. The description should be sufficient enough in detail to help defend the system against legal challenges by delineating how applicable statutes are implemented. The jury system plan also helps new personnel to familiarize themselves with the operations and the responsibilities of each person in making the system work. In addition, the plan describes the procedures for the collection and analysis of data necessary to provide pertinent information for efficient management and public accountability of the system. (The appendix contains a jury system plan based on the elements and standards given in this manual.)

As a court studies and improves its jury system, these changes should be reflected in the plan. As such, the jury system plan is a working document that can be a starting point in determining what changes are needed to improve the system. Detailing the procedures followed in the operation of the jury system enables a comparison of the present system and the proposed improvements.

This format was used to assist the implementation of a one-day/one-trial system in Montgomery County, Norristown, Pennsylvania. Each of the system operations affected by this change were detailed in the action plan. In Table 1-1, a segment of the action plan is shown for the summoning phase. The column title "Present" is taken directly from the court's jury system management plan.

**Table 1-1** 

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**Summoning Phase of Action Plan in Norristown, Pennsylvania**

<b>PRESENT</b>	<b>PROPOSED</b>	<b>TASKS</b>
1) Six weeks prior to each calendar quarter, computer randomly draws 1,500 names from master list: each assigned to one of five two-week terms of service.	1) Monthly court administrator determines number of jurors to be summoned each day jury trials are scheduled for the next four weeks. At least half of the those summoned are identified as standby jurors. Standby jurors are instructed in summons to call a certain telephone number the night before their service date and a recorded message informs them if they are to report.	1) Design and order new summons form. Obtain copies of forms used by other courts, design new form and circulate to key personnel for review and input, order new form through County Purchasing Dept. Coordinate design changes with computer operations. Order telephone-answering equipment. Develop prediction formula.
2) Labels prepared by computer operations and delivered to jury commissioners. Labels applied manually to summons. Cost -summons 13 - postage 15 -return postage 38	2) Eliminate. Computer prints names and address directly on summons. Cost -summons 13 - postage 15 -return postage 38	2) Coordinate with computer operations.
3) Computer prepares six copies of printout (name, address, age, occupation, phone number) for each two-week panel, and these are delivered to the jury commissioner. Juror number from master list included on printout. List is alphabetized by computer.	3) Computer prepares three copies of printout (name, address, age, occupation, phone number) for each juror summoned and delivers printout to jury commissioners. New juror number assigned to be used for standby system.	3) Consult with jury commissioners and determine if distribution can be eliminated. Coordinate changes with computer operations.
4) Computer prepares payroll sheets and roll call sheets for each two-week panel and delivers to jury commissioner.	4) Eliminate. Payroll is computerized, thereby eliminating payroll sheets. Roll call is eliminated and replaced with attendance sheets.	4) Consult with county finance director, controller, and treasurer regarding computerization of payroll.

The difference between the present steps in summoning prospective jurors and the proposed improvements defines the tasks that need to be accomplished in implementing the change. The sum of all the tasks is the basis of an action plan. The tasks are based upon the implementation of the proposed system, and the development of the proposed system is the subject of this manual.

The proposed system is defined by analysis of procedures and data. The action plan then results from taking the tasks required and establishing time schedules, responsibilities, and costs, both for implementation and for operation of the change. After obtaining authority to proceed with the steps for change, the court then has a defined and accepted course of action to produce an improved system. With the measures developed, as given under each element, the progress and improvements can be documented and easily evaluated.

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## Source Lists

*The purpose of this element is to increase the coverage of the source list from which prospective jurors' names are selected. The courts should determine the percentage of those citizens eligible to serve on juries, which is covered by the existing source list, extend the coverage if it does not meet the standard, and make that improvement part of the Jury Plan.*

### APPLICABLE ABA STANDARD

#### STANDARD 2: JURY SOURCE LIST

- (a) THE NAMES OF POTENTIAL JURORS SHOULD BE DRAWN FROM A JURY SOURCE LIST COMPILED FROM ONE OR MORE REGULARLY MAINTAINED LISTS OF PERSONS RESIDING IN THE COURT JURISDICTION.
- (b) THE JURY SOURCE LIST SHOULD BE REPRESENTATIVE AND SHOULD BE AS INCLUSIVE OF THE ADULT POPULATION IN THE JURISDICTION AS IS FEASIBLE.
- (c) THE COURT SHOULD PERIODICALLY REVIEW THE JURY SOURCE LIST FOR ITS REPRESENTATIVENESS AND INCLUSIVENESS OF THE JURY SOURCE LIST, APPROPRIATE CORRECTIVE ACTION SHOULD BE TAKEN.
- (d) SHOULD THE COURT DETERMINE THAT IMPROVEMENT IS NEEDED IN THE REPRESENTATIVENESS OR INCLUSIVENESS OF THE JURY SOURCE LIST, APPROPRIATE CORRECTIVE ACTION SHOULD BE TAKEN.



In some states, the voters list is the source of names for the selection of prospective jurors.<sup>1</sup> This list consists of those registered to vote or those who voted in the most recent election and covers a much wider cross-section of the population than source lists previously prepared by keymen.<sup>2</sup> Many courts accept the voters list as the best single list to use because, in their opinion, it provides an adequate cross-section of a jurisdiction and has many desirable features, the most notable being that it includes all those who displayed civil responsibility by participating in elections.

The question has been raised whether exclusive use of the voters list meets the goals of jury selection. Since voter registration tends to peak every four years before a presidential election, the voters list in the intervening years may not fully represent significant portions of the population, particularly among the young and transient. Further, a substantial proportion of those eligible for jury service may not register to vote. The drivers list usually has greater coverage than the voters list and, as will be discussed, is the list used with the voters list in about half of the states. Since 1979, a number of jurisdictions have gone to exclusive use of the drivers list with excellent results.<sup>3</sup> These changes to the use of the drivers lists or the single use of the drivers list has resulted in improved representativeness at the expense of a reduced yield, as will be addressed in Element 3.<sup>4</sup>

Two measures against which the voters list, or any source list, should be tested are balance and inclusiveness. *Balance* is the degree to which the list reflects the eligible population based on its demographic characteristics (e.g., age, race, gender, occupation, etc.). *Inclusiveness* is the completeness of the list or combined lists.

If the inclusiveness is high, that is, if nearly everyone eligible appears on the master selection list, it follows that balance will be good. But the opposite is not necessarily true. Because of the difficulty of determining the balance of the population and source lists, the

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<sup>1</sup> Material in this section is extracted from C. H. Mount, G. T. Munsterman, and W. R. Pabst, *Multiple Lists for Juror Selection: A Case Study for San Diego Superior Court* (1978), a study supported by the American University, Criminal Courts Technical Assistance Project. Supt. of Documents, Washington, D.C. 20402, a Stock No. 027-000-00665-5.

<sup>2</sup> *Keymen* were appointed community members who had the responsibility of compiling a list of qualified citizens for consideration as jurors. Keymen based their selections on any source of information about or simply their own personal knowledge of potential jurors. This is the origin of the office of *jury commissioner*. Keymen are no longer used in any state.

<sup>3</sup> A list of the various jury system functional parameters, such as the source list used, qualifications, exemptions, jury sizes used, fees, etc., can be found in David B. Rottman, Carol R. Flango, and R. Sheldine Lockley, *State Court Organization*, 1993 (Williamsburg, VA: National Center for State Courts, 1995).

<sup>4</sup> G. Thomas Munsterman and Janice T. Munsterman, "The Search for Jury Representativeness," *Justice System Journal*, 11 (1986), 59-78.

Incentive Program chose as the standard an inclusiveness of at least 85 percent of the eligible population as the standard of source list adequacy. In most states, this "eligible" population will be the population aged 18 and over.

Courts who wish to meet this standard will necessarily use one or more other lists in addition to their present source list. The method of list selection and combination is presented in the following sections.

Before committing to the use of multiple lists, courts whose source list coverage is below 85 percent may wish to explore the demographic necessity for using multiple lists and, hence, to consider the balance of their lists; that is, the agreement between the source list and population. Some balance problems will be obvious, such as when a source list contains 75 percent male in contrast to a population of 49 percent male. However, when the population contains 5 percent of some minority and the source list contains only 2 percent, the significance of the difference and hence the question of the need for multiple lists is difficult to resolve. The literature contains measures of these disparities.<sup>5</sup>

## List Selection

The process of determining which list or lists to use must include the practical aspects of acquisition and combination. For instance, the list of licensed drivers, usually the best list in terms of coverage, may not be separable by county or jurisdiction. Zip codes may also cross jurisdictional lines in some states, yet the voter/driver combination is the one most frequently used. Some lists are not available; e.g., the Social Security and federal census lists (see Table 2-1).

Courts considering the use of multiple lists should consider the following.

1. *Availability.* The best lists (Social Security, federal census, and income tax) cannot be used. However, a state or local census and state income tax lists are available in some jurisdictions. Courts should be prepared to both pay the costs of lists and ensure the privacy of the lists used.
2. *Efficiency.* Combining lists can be costly. This is particularly true if the individual lists are updated at different times, in which case the combined list should be recompiled each time one of the lists is revised. It is also very

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<sup>5</sup> David Kairys, Joseph B. Kadane, and John P. Lechoczky, "Jury Representativeness: A Mandate for Multiple Source Lists," *California Law Review* 65 (1976), 776; and Peter W. Sperlich and Martin L. Jaspovice, "Methods for the Analysis of Jury Panel Selections: Testing for Discrimination in Series of Panels," *Hastings Constitutional Law Quarterly* 6 (1979), 787.

**Table 2-1**

**Possible Source Lists for Juror Selection Process**

Lists	Inherent Limitations
Social Security	Not available, the Social Security Number is available
Voter registration	Not up to date; not complete
City directory	Not complete; low income missing
Census	Federal list not available
Motor vehicle registration	Institutional and corporate listings, no age identification
Driver's license	Not up to date; jurisdiction difficult to ascertain
Real estate tax	Commercial properties; mortgage companies; male bias
State income tax	Not available; male bias
Welfare	Not available in most jurisdictions
Telephone directory	Jurisdictions not always apparent; male bias
Utility customers	Jurisdictions not always apparent; not resident owner; male bias

inefficient to generate a large, nonduplicative master list when only a very small number of names is required (e.g., 10,000 selected out of 1,000,000). Kadane and Lehoczky present methods for directly combined samples of lists without having to handle combination of the entire lists. (See "Random Selection Without Full List Combination," page 11.)<sup>6</sup>

3. *Bias*. Some lists are heavily biased. For example, property tax and utility lists are biased toward property holders.
4. *Duplications*. Because of difficulties in eliminating duplicated names in multiple lists, an individual named on several lists has a greater probability of being selected than those named on only one list. Courts confronted with this problem accept some level of duplication rather than the risk of excluding a qualified citizen. The elimination of duplicates, either by computer or by hand, creates two types of errors: exclusion of a name that is not a duplicate and retention of a name that is a duplicate. The best method for removing

<sup>6</sup> J. B. Kadane and J. P. Lehoczky, "Random Juror Selection from Multiple Lists," *Operations Research*, 24 (1976), 207.

duplicates is to use a unique individual identification in each list, such as a Social Security number.<sup>7</sup>

5. *Geocoding.* Some lists are not easily resolved into court jurisdictions; i.e., county or district. This may require a manual verification of those few summoned who reside in the undefined areas, such as in one zip code or census tract, which are not limited to one court's jurisdiction.

## Study of List Overlaps and Efficiencies

Even after source lists for juror selection are combined, few jurisdictions know the contribution of each list. Courts considering the use of multiple lists should have some estimate to determine if the combination is worthwhile; i.e., how many names not found on the first list does each successive list add. The method used to determine the number of unique names provided by the voters and drivers lists for San Diego County will be described.

To determine the overlap between the voters and drivers lists, a sample of 200 names was drawn from the voters list and manually checked against the entire drivers list. Eighty percent of the voters in San Diego County were also found on the drivers list (see Table 2-2.)

The reliability of these results was tested by reversing the process and checking a sample of 200 names from the drivers list against the voters list (see Table 2-3). The two samples were used to estimate the size of the total combined list less duplicates (see Table 2-4). The two samples show less than 1 percent difference in the percentage of overlap measured (49.6 percent vs. 48.7 percent), a difference that is insignificant.

Based on the estimate of the overlap from the first sample, the result of combining the drivers and voters lists in San Diego would provide a coverage of 93 percent. In contrast, the voters list alone would cover 56 percent of the 18 and over population, and the drivers list alone would cover 83 percent (see Figure 2-1).

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<sup>7</sup> Under a 1993 revision to the Social Security Act, the Social Security number may be used for juror selection purposes.

**Table 2-2**

**Voter/Driver Overlap Estimate from Voters List Sample**

Category	Sample Size	% of Sample	Voters List	Drivers List
Total	200	100	628,217	925,497
Voter/Driver overlap	164	82	515,138	515,138
Voters only	36	18	113,079	
Drivers only				310,359

**Table 2-3**

**Driver/Voter Overlap Estimate from Driver List Sample**

Category	Sample Size	% of Sample	Voters List	Drivers List
Total	200	100	925,497	628,217
Voter/Driver overlap	100	55	509,023	509,023
Voters only				119,194
Drivers only	90	45	416,474	

**Table 2-4**

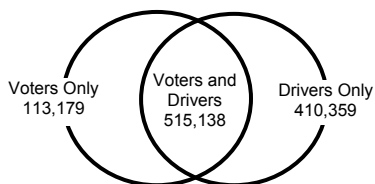
**Summary of Sampling Results**

Category	Voters List Sample from Table 2-2	Drivers List Sample from Table 2-3
Total combined list minus duplicates	1,038,576	1,044,691

Figure 2-1

## Effect of Combining Lists in San Diego County, California, 1976

	Number	Coverage
Registered voters list	628,217	56%
Driver's licenses (18+)	925,497	83%
Total	1,553,714	
Less duplicates	515,138	
Combined master list	1,038,576	93%
Population 18 and over (est.)	1,110,783	



Voters Only 11%	Voters and Drivers 50%	Drivers Only 39%
Combined Master List--1,038,576 = 100%		

### Methodology for the Combining of Lists

Once the need for using two or more lists is apparent, the actual method of combining the lists comes into focus. The most direct way of doing this (and the most expensive and tiresome), whether done by computer or by hand, is the direct combination of all lists into a single alphabetical or otherwise ordered list from which duplicates have been removed. The intent of such a list is to include only one listing (or one card or token) for each eligible person such that each person has the same and equal chance of being selected.<sup>8</sup>

### Misconceptions of Combining Source Lists

Before discussing the method for combining lists, several misconceptions concerning the use of multiple lists should be discussed

1. *Improper Supplementation*—Some courts take a sample of a list or lists and add these names to the voters list. This method violates equal probability of selection unless no duplicates exist between the lists.
2. *Improper Duplicate Recognition*—If a random sample is made from each list

<sup>8</sup> See Standard 3, *Standards Relating to Juror Use and Management*, Appendix A.

and duplicates are checked only between these samples, then equal probability of selection is not maintained.

3. *Improper Combination*—Some courts attempt to duplicate the cross-section of the community by combining certain lists in determined proportions. Although this achieves a better cross-section, the equal probability of selection is violated.
4. *Improper Timing*—Some courts draw from one list in the spring and another list in the fall, in a sense taking random samples from each list without considering the duplication between the lists.

### **Direct Combination of Lists**

The combining or merging of two lists can be a manual task but is usually done by a computer. The task is complicated by the matching of names to remove duplicates. The computer technique is basically as follows:

1. The entry on each list is formed into a common format upon which the comparison for duplicates can be based. This information is called the *key*.
2. Each list is ordered based on the information in the key. If the key begins with the name of the person, the ordering is alphabetical.
3. The lists are simultaneously scanned, starting at the lowest key value or the top of each list, and a comparison of the entries from each list is made. If the comparison indicates a duplicate, the name is written to the combined list file, and the next name is considered. When duplicates are found, the most recent address or the address from the list found to be most up-to-date should be carried forward. If the names are different, the one of lowest value is written to the combined list file and the higher value name is kept and compared to the next name on the list from which the lower value name was taken.

The result of this process is a single merged list with the level of duplicates determined by the name match criteria used and the degree of duplication in each individual list. This combined list can then be sampled, using some random method, to generate a list for the qualifying or summoning process.

This technique can be used to merge any number of lists, because the process is a successive merging of two lists until all the lists are combined.

The computer time necessary to perform this method can take several hours; however, it is usually done only once a year. If jurisdictions desire a more up-to-date source list, the

process could be performed more often, providing the constituent lists are updated. Regardless of the method of combining the lists, certain data should be obtained, such as the number of duplicates found and the constituent sizes of the lists. Samples of the duplicates rejected can also be used to monitor the accuracy of the duplicate-matching routine.

### **Random Selection Without Full List Combination**

Kadane and Lehoczky describe techniques for sequentially sampling and checking from several lists to arrive at a random sample.<sup>9</sup> These techniques do not require that the lists be combined; instead, only one list need be scanned for duplicates. If the list that is the most easily scanned is chosen, the task of achieving a merged list is simplified.

The following illustrates the methods of direct combination and random sampling (without direct combination) by using a hypothetical list. The combined list consists of twenty-one "names" with nine duplicated "names." The direct combination method described in the previous section would generate such a combined list.

The results of random selection without full combination are illustrated in Table 2-5. This method, which is described below, is the fourth of the five methods described by Kadane and Lehoczky.

1. A random sample is taken from each list given in Figure 2-2 in proportion to its size. Since the lists are of equal length, fifteen names, the samples are also equal, and a random sample of five names is selected from each list (see Table 2-5).
2. List 1 (Table 2-5) is considered the "primary list," and all five names are defined as "good." The five names selected from List 2 are compared to the entire List 1, and the duplicate names (A, L, and Q) are rejected. The remaining names (H and J) are combined with the first five to obtain the random sample of seven names.

This method achieves the same result as a direct combination followed by a random sample by sampling first and then comparing one sample to the entire other list and rejecting duplicates. This rejection of duplicates ensures that the duplicated names are given only a single chance of being selected; i.e., on the primary list. Either list may be the primary list, with the choice usually based on which list is easiest to check.

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<sup>9</sup> Kadane and Lehoczky, *Operations Research*, 2-3.



**Figure 2-2**

**Example of Combination of Lists**

List 1	List 2	Combined List	Duplicates
A	A	A	A
B	C	B	F
D	E	C	I
F	F	D	L
G	H	E	M
I	I	F	P
K	J	G	Q
L	L	H	R
M	M	I	T
N	O	J	
P	P	K	
Q	Q	L	
R	R	M	
T	S	N	
U	T	O	
		P	
		Q	
		R	
		S	
		T	
		U	
15	15	21	9

A second example combines voters and drivers lists (see Table 2-6). The technique is as follows:

1. Indicate the drivers list as List 1 because it is usually larger than the voters list, is available on computer tape, and is accessible at an on-line terminal.
2. Designate the voters list as List 2 because it is generally smaller and usually composed of many different alphabetical section listings.
3. Determine the selection rate as follows:

Number of names needed	<u>50,000</u>	(A)
Number of names on List #1	<u>900,000</u>	(B)
Number of names on List #2	<u>600,000</u>	(C)
Estimated % of "good" names from List #2 (decimal)	.18	(D)
Estimated number of names to come from List #2	=	C x D
"	=	600,000 x .18
"	=	108,000 (E)
Selection Rate	=	A/(B + E)
"	=	50,000/(900,000 + 108,000)
"	=	.0496 = 5%

Table 2-5

### Random Sampling From Lists 1 and 2 to Get Random Sample of Combined List

Sample of Five Names		Random Samples from Combined Lists
List 1	List 2	List 1 Primary
D	A	D
G	H	G
P	J	H
Q	L	J
T	Q	P
		Q
		T
5	2	7

Table 2-6

### List Merging Samples

Item	List 1 (Drivers)	List 2 (Voters)
Number of names	900,000	600,000
Random sample	45,000	30,000

4. Select 5 percent (45,000) names at random from the drivers list and accept all of these as valid names (unless there are internal duplicates, which should be removed). Do not check these against the other list.
5. Select 5 percent (30,000) names at random from the voters list and check each one of these against the entire drivers list. Approximately 82 percent of the 30,000 will be duplicates: these 24,600 duplicated names are dropped, while the remaining 5,400 nonduplicated names are added to the 45,000 drivers names to form a combined list of 50,400 names, near the desired number of 50,000 (A).
6. The 50,400 names retained as a result of this selection and checking procedure should be randomized because they may retain the order of the original lists. If more or less than 50,400 names are desired, then the percent sampled from each list may be increased or decreased as necessary. The important factor is that the percentage remain constant for both lists; i.e., each sample is proportional to the size of the list. Because the approximate overlap of the lists is known (about 82 percent), the results are predictable within limits.

However, this method does not yield an exact number or the same number of names each time.

If the overlap of the lists is not known, cross-checking a small sample of each list will provide an estimate of the overlap needed.<sup>10</sup> Any error in this estimate can be corrected in future samples.

North Dakota has used this random selection technique without full list combination for several years. It is particularly useful in North Dakota, for the voters list is maintained only in the poll books and the drivers list is computerized. Therefore, it is very easy to look up a name from the voters list on the drivers list, but the reverse is virtually impossible. Before the introduction of this method, North Dakota employed several persons in many counties for several months to combine the two lists. This is no longer necessary.

Many courts with automated systems use this random selection technique because of the reduced computer run time needed to achieve the desired result.

### **Combination of Three or More Lists**

In combining three or more lists as a source for jury selection, the principles and procedures are basically the same as when combining two lists. The first step, is to study the available lists with respect to their overlap. This can be done by sampling as described under the combination of two lists. The lists should then be ordered by size, ease of checking for duplicates, or both. The importance of studying the lists in these terms arises from the checking procedures in which all names selected from List 2 will be checked for duplicates only against the entire List 1; those names selected from List 3 will be checked for duplicates against the entire List 2 and then again against the entire List 1 and so on for as many lists as may be used. Such checking is necessary to retain equal probability of selection for each name on the combined list; i.e., to preserve the randomness of the selection.

Checking for duplication of those names selected from a sample of one list against only the sample from the other list, a shortcut that many jurisdictions have been tempted to adopt, does not produce a random sample from the combined list and, hence, should not be done.

### **Duplicate Recognition and Decision Errors**

Any matching routine, whether manual or computerized, requires some criteria upon

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<sup>10</sup> The method described in "Study of List Overlap and Efficiencies," page 7, may be used.

which to base the decision as to whether two records are duplicates or represent two individuals. Associated with each criterion are two possible errors:

1. The probability of rejecting a good name (a mismatch)
2. The probability of keeping a duplicated name (a missed match)

The kinds of decisions possible when two records are matched fall into one of four categories, which include the two error types and the two correct decisions, as illustrated in the following truth diagram.

		Criterion Indicates:	
		Individual Same	Individuals Different
True Situation	Individual Same	True Match A	Missed Match C
	Individuals Different	Mismatch B	True Nonmatch D

An error is made when either:

- The matching criterion does not recognize two records that, in fact, do match (missed match—cell C). The chance of this type of error becomes greater as the matching criterion becomes more strict and uses more information.
- The matching criterion recognizes two different records as representing the same person (mismatch—cell B). The chance of this error occurring increases as the criterion becomes less strict, thereby enabling two records to be more easily identified as being similar.

The possibility that a good name will be rejected or that a list will contain duplicates is the product of two probabilities. The first probability is that the matching criterion will fail; i.e., reject a good name or keep a duplicated name (as in 1 or 2 above), and the second is the probability that a pair of names is or is not a true duplicate. The first probability is a property of the matching criterion. The second probability is a property of the lists considered and is related to the percentage of duplicates on the list.

## Types of Record Errors

The matching criteria used to determine duplicate records for estimating the overlap of San Diego County's voters and drivers list was based upon the information available in each

list.<sup>11</sup> The percentage of records missing information is given below.

	<u>Voter</u>	<u>Driver</u>
<u>Name:</u>		
Last	0%	0%
First	0%	0%
Middle	9%	0%
<u>Address</u>		
Home No.	0%	0%
Street Name	0%	0%
<u>Birth:</u>		
Day	25%	0%
Month	25%	0%
Year	10%	0%

The basic matching criteria to determine a true match manually were as follows.

1. When birth month and day information existed on the voters list, the following must agree:
  - a. Last name
  - b. First name
  - c. Middle initial
  - d. Birthday
  - e. Birth month
  
2. When birth month and date information do not exist, the following must agree:
  - a. Last name
  - b. First name
  - c. Middle initial
  - d. Home number
  - e. Street name

All format and minor spelling discrepancies, such as Av., Ave., or Camto Basswood, Cam Basswood, were recorded but ignored for matching purposes. No attempt was made to check for duplicates that may exist within each list itself.

There were three areas of discrepancies between the 164 matched pairs found in San Diego County (see Table 2-7):

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<sup>11</sup> If the Social Security number is available on the lists, this unique identification vastly simplifies the matching process. Unfortunately, this was not the case in the San Diego study cited in the text. While duplicate Social Security numbers can exist, the occurrence is much less than found in the other matching methods.

Table 2-7

### Analysis of 164 Pairs of Voter/Driver Records with Matching Last Names

Matching Criteria	Street Name Exactly Same		Street Name Similar But Not Exactly Same		Street Name Different		Total
	Same Birthday & Month	Birth Date Not Recorded	Same Birthday & Month	Birth Date Not Recorded	Same Birthday & Month	Birth Date Not Recorded	
<b>First Name Exactly Same:</b>							
Same middle initial:							
Same street number	64	34	21	6	0	0	125
Different street number	1	0	0	0	20	0	21
Middle initial not recorded:							
Same street number	6	2	2	0	0	0	10
Different street number	0	0	0	0	5	0	5
<b>First Name Similar But Not Exactly Same:</b>							
Same name initial:							
Same street number	2	0	0	0	0	0	2
Different street number	0	0	0	0	1	0	1
Middle initial not recorded:							
Same street number	0	0	0	0	0	0	0
Different street number	0	0	0	0	0	0	0
<b>Totals</b>	<b>73</b>	<b>36</b>	<b>23</b>	<b>6</b>	<b>26</b>	<b>0</b>	<b>164</b>

- *Availability of records*—day and month of birth are missing in approximately 25 percent (42/164) of the voting list records; middle initial is missing in 9 percent (15/164) of the records.
- *Different street addresses*—approximately 16 percent (26/164) of the matched records have different street addresses but are listed due to same name and birth date information.
- *Format and spacing errors*—street name format errors (Ave., Av.; Cam, Camto, etc.) occur in 18 percent (29/164) of the records matched.

In the San Diego sample, only the last name seems to be immune to any discrepancies, possibly because this sample contains only last names that start with the letter A through "Armstrong." A recent study of combined voters/drivers lists with most of the duplicates removed by computer revealed a relatively higher duplication rate among last names starting with the letters D and M due to simple spacing (format) errors; e.g., Mc Hugh versus McHugh, which caused otherwise identical records to be denoted by the computer as two individuals. Other studies have shown last name discrepancies to be a real factor in

record matching.<sup>12</sup> These are often minimized by extraction codes or "Soundex" matching systems.<sup>13</sup>

## **Recommended Matching Criteria**

Agreement of the following criteria is recommended for identifying duplicate records from the voters and drivers lists for the court studied.

- Last name
- First name
- Middle initial (where record exists)
- Birth month and day (where record exists)
- Street number or post office box number (street name is not included due to format difficulties)

In these criteria the greatest amount of reliable information is used to minimize the chance of a mismatch. The following format considerations are also necessary:

- No name or number should contain internal blank spaces
- Obvious errors in the records (such as incorrect zip or out of county, town, or city; nonalpha names or inconsistent numeric sequences; should be checked or rejected)

In using these criteria, the assumption was made during the sample checking that records matching the last name, first name, middle initial, day, and month of birth are the same, not withstanding street address differences. The court should investigate the validity of this assumption by using the information provided in the qualification questionnaire, which is sent to and returned by prospective jurors, and by sampling the names rejected as being duplicates.

## **Error Estimates**

Based on the results of the 164 matched pairs, the expected percentage of true matches that will be missed is about 18 percent (29 of 164)--2 percent whose first names will differ slightly and 16 percent due to the record's different street numbers.

To determine the percentage of duplicates that will remain in the merged list, it is

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<sup>12</sup> David M. Nitzberg, "Results of Research Into the Methodology of Record Linkage," and J. E. Fisher and M. R. Hubbard, "A Computer System for Medical Record Linkage," in E. D. Acheson, ed., *Record Linkage in Medicine* (London: E. & S. Livingstone, Ltd., 1968).

<sup>13</sup> A "Soundex" matching system compensates for most spelling errors by removing all vowels. See Acheson, ed., *Record Linkage in Medicine*.

necessary to introduce the second probability; i.e., the probability of a name being duplicated when the criteria are applied. The criteria are applied every time two names are compared. The number of comparisons is based on the routine used and is approximately  $n_1 + n_2$ , where  $n_1$  and  $n_2$  are the number of names on each list. Using the San Diego data (see Figure 2-1), if the probability of compared names being duplicated is

$$\frac{n_d}{n_1 + n_2}$$

where  $n_d$  is the number of duplicated names, the probability is

$$\frac{515,138}{1,553,714} = 0.332$$

The probability of a duplicate remaining in the merged San Diego list is, therefore,  $0.177 \times 0.332 = 0.059$ . The merged list will contain about 6 percent duplicates.

The probability of a good name being rejected is almost impossible to measure without actually merging and counting the errors based on manual screening of computer-determined duplicates. However, it can be estimated. The following probabilities of accepting a duplicate and rejecting a good name based on experiments by the Social Security Administration indicate the expected inverse relationship, which their product verifies.

<u>P<sub>dup</sub></u>	<u>P<sub>rej</sub></u>	<u>P<sub>dup</sub> × P<sub>rej</sub></u>
0.32	0.004	0.0013
0.12	0.01	0.0012
0.05	0.02	0.0010

The probability of retaining a duplicate was calculated to be 0.177. Over the range of 0.32 to 0.05, the product is fairly constant and can be used to estimate a  $P_{rej}$  of 0.007. The probability that a comparison will be nonduplicated is  $1 - 0.332 = 0.668$ . The probability of a good name being rejected is  $0.007 \times 0.668$ , or 0.005.

Using the data from Figure 2-1, these errors would have the following effect upon the list combination in San Diego County.

Voters only	113,079
Drivers only	410,359
Voters and drivers	515,138
Unrecognized duplicates	<u>+ 65,118</u>
	1,103,694
Good names rejected	<u>- 5,193</u>
Total list size	1,098,501
The apparent coverage could be	<u>1,098,501</u>
	<u>1,110,783</u> = 99%



This shows how the unrecognized duplicates can inflate the coverage above the expected 93 percent.

A method for reducing the duplicates below the 6 percent level is developed in the referenced San Diego County report. This method uses a question on the qualification questionnaire to verify whether the person has a driver's license and is a registered voter in the state. The answers are used to verify the duplicate-matching technique and to give an estimate of the error rate for the list-merging process.<sup>14</sup>

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<sup>14</sup> Mount, Munsterman, and Pabst, *Multiple Lists for Juror Selection*, 6-1 to 6-2.

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## Qualification and Summoning

*The purpose of this element is to decrease the costs of the qualification and summoning processes, decrease the involved paperwork in these processes, and increase the yield of prospective jurors.*

### APPLICABLE ABA STANDARDS

#### STANDARD 1: OPPORTUNITY FOR JURY SERVICE

THE OPPORTUNITY FOR JURY SERVICE SHOULD NOT BE DENIED OR LIMITED ON THE BASIS OF RACE, NATIONAL ORIGIN, GENDER, AGE, RELIGIOUS BELIEF, INCOME, OCCUPATION, OR ANY OTHER FACTOR THAT DISCRIMINATES AGAINST A COGNIZABLE GROUP IN THE JURISDICTION.

#### STANDARD 3: RANDOM SELECTION PROCEDURES

- (a) RANDOM SELECTION PROCEDURES SHOULD BE USED THROUGHOUT THE JUROR SELECTION PROCESS. ANY METHOD MAY BE USED, MANUAL OR AUTOMATED, THAT PROVIDES EACH ELIGIBLE AND AVAILABLE PERSON WITH AN EQUAL PROBABILITY OF SELECTION.
- (b) RANDOM SELECTION PROCEDURES SHOULD BE EMPLOYED IN
  - (i) SELECTING PERSONS TO BE SUMMONED FOR JURY SERVICE;
  - (ii) ASSIGNING PROSPECTIVE JURORS TO PANELS; AND
  - (iii) CALLING PROSPECTIVE JURORS FOR VOIR DIRE.
- (c) DEPARTURES FROM THE PRINCIPLE OF RANDOM SELECTION ARE APPROPRIATE

- (i) TO EXCLUDE PERSONS INELIGIBLE FOR SERVICE IN ACCORDANCE WITH STANDARD 4;
- (ii) TO EXCUSE OR DEFER PROSPECTIVE JURORS IN ACCORDANCE WITH STANDARD 6;
- (iii) TO REMOVE PROSPECTIVE JURORS FOR CAUSE OR IF CHALLENGED PEREMPTORILY IN ACCORDANCE WITH STANDARDS 8 AND 9; AND
- (iv) TO PROVIDE ALL PROSPECTIVE JURORS WITH AN OPPORTUNITY TO BE CALLED FOR JURY SERVICE AND TO BE ASSIGNED TO A PANEL IN ACCORDANCE WITH STANDARD 13.

STANDARD 4: ELIGIBILITY FOR JURY SERVICE

ALL PERSONS SHOULD BE ELIGIBLE FOR JURY SERVICE EXCEPT THOSE WHO

- (a) ARE LESS THAN EIGHTEEN YEARS OF AGE, OR
- (b) ARE NOT CITIZENS OF THE UNITED STATES, OR
- (c) ARE NOT RESIDENTS OF THE JURISDICTION IN WHICH THEY HAVE BEEN SUMMONED TO SERVE, OR
- (d) ARE NOT ABLE TO COMMUNICATE IN THE ENGLISH LANGUAGE, OR
- (e) HAVE BEEN CONVICTED OF A FELONY AND HAVE NOT HAD THEIR CIVIL RIGHTS RESTORED.

STANDARD 11: NOTIFICATION AND SUMMONING PROCEDURES

- (a) THE NOTICE SUMMONING A PERSON TO JURY SERVICE AND THE QUESTIONNAIRE ELICITING ESSENTIAL INFORMATION REGARDING THAT PERSON SHOULD BE

- (i) COMBINED IN A SINGLE DOCUMENT;
  - (ii) PHRASED SO AS TO BE READILY UNDERSTOOD BY AN INDIVIDUAL UNFAMILIAR WITH THE LEGAL AND JURY SYSTEMS;  
AND
  - (iii) DELIVERED BY FIRST CLASS MAIL.
- (b) A SUMMONS SHOULD CLEARLY EXPLAIN HOW AND WHEN THE RECIPIENT MUST RESPOND AND THE CONSEQUENCES OF A FAILURE TO RESPOND.
- (c) THE QUESTIONNAIRE SHOULD BE PHRASED AND ORGANIZED SO AS TO FACILITATE QUICK AND ACCURATE SCREENING, AND SHOULD REQUEST ONLY THAT INFORMATION ESSENTIAL FOR
- (i) DETERMINING WHETHER A PERSON MEETS THE CRITERIA FOR ELIGIBILITY;
  - (ii) PROVIDING BASIC BACKGROUND INFORMATION ORDINARILY SOUGHT DURING VOIR DIRE EXAMINATION;  
AND
  - (iii) EFFICIENTLY MANAGING THE JURY SYSTEM.
- (d) POLICIES AND PROCEDURES SHOULD BE ESTABLISHED FOR ENFORCING A SUMMONS TO REPORT FOR JURY SERVICE AND FOR MONITORING FAILURES TO RESPOND TO A SUMMONS.

As courts improve their jury systems, their primary effort is usually directed toward improving utilization, for this saves time and money. In the qualification and summoning processes, where improvement can also result in savings, change is often difficult for the following reasons:

- *Diversity of Responsibility*—Many have tasks but no one is in control. Jury commissioners who qualify prospective jurors don't have to report their

activities, the sheriff delivers the summons or mails it, the clerk takes care of the summons, the court administrator postpones, and the judge excuses. This diversity usually precludes efforts to improve the quality of the operation.

- *Statutes*—Neglected and ancient statutes often require manual methods, such as separate qualified wheel locks, pieces of paper of a certain size, and even selection by a blind man or child under 10. The intent of these statutes can be accomplished with modern techniques, as many innovative courts have shown.
- *Lack of Needed Change*—Only when courts reduce their terms of service and the need for prospective jurors increases is the antiquated qualification and summoning system subject to investigation.
- *Lack of Automation*—The qualification and summoning process is the most obvious application of technology in the jury system. These tasks are easily automated: random selection of names from lists, the generating and addressing of forms, and the printing of lists. Yet, too often the cumbersome manual procedures are simply automated without considering more efficient processes and without generating the data needed to manage this process.

Simplification and improvement of this preservice phase can be highly beneficial. This element analyzes the various tasks in the qualification and summoning phases, notes improvements, and presents expeditious automation and paperwork techniques.

## **Master List, Qualification, and Summoning**

After the preparation of the source list (see Element 2), the primary responsibility of a jury system manager is to bring qualified jurors into the court to serve. This involves the following tasks:

- *Preparing a Master List*—Many courts select a master (working) list of names from the source list. This is usually done as an expedient to avoid having to handle the entire source list. Courts will often set up a new master list annually, at which time they dump the names from the old list.
- *Developing a Qualified List*—Most state statutes require courts to determine the qualifications of the persons who will serve on jury duty. Qualifications include requirements concerning age, citizenship, competency, and residency. Interviews of all prospective jurors, which were once commonplace, are now never done. These interviews usually waste everyone's time and obviously raise questions as to objectives.

- *Summoning Prospective Jurors*—Persons are notified that their presence is required for jury service by means of a summons. Service of the summons may be by mail, phone, or in person.

## Methods Used

In general, courts use one of the following two sequences for performing the tasks of qualification and summoning (see Figure 3-1):

1. *Separate Qualification and Summoning*
  - a. Qualification questionnaires are sent to persons randomly selected from the master list (usually once a year.) Questionnaires are returned to the court and screened, and a list of qualified persons is created.
  - b. Names are randomly selected from the qualified list and sent a summons for jury duty. People either serve or are granted a disqualification, exemption, excuse, or postponement from service. Some of those summoned may not respond.
2. *Combined Qualification and Summoning*  
Names are randomly selected from the master list and sent a summons combined with a qualification questionnaire. People either serve or are granted a disqualification, exemption, excuse, or postponement.

## Qualification and Summoning--Separate or Combined?

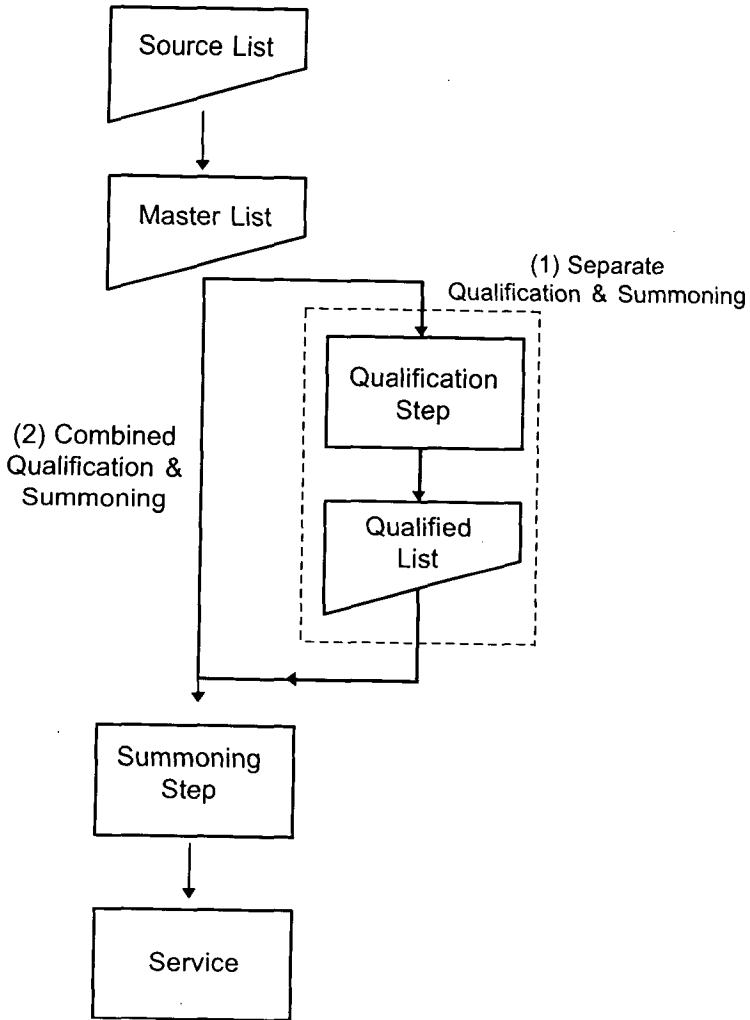
Both the qualification and summoning processes involve the following basic steps.

- Name selection
- Forms printing and mailing preparation
- Mailing
- Screening of responses
- Input and recording results
- List or file generation

In either process, the court selects names from the master or qualified list, usually by a computer, which also prints the name on the form (questionnaire or summons) and prepares it for mailing. The court will screen the responses to the form (disqualifications, exemptions, excuses, postponements) and input the results onto a list or into the computer.

Figure 3-1

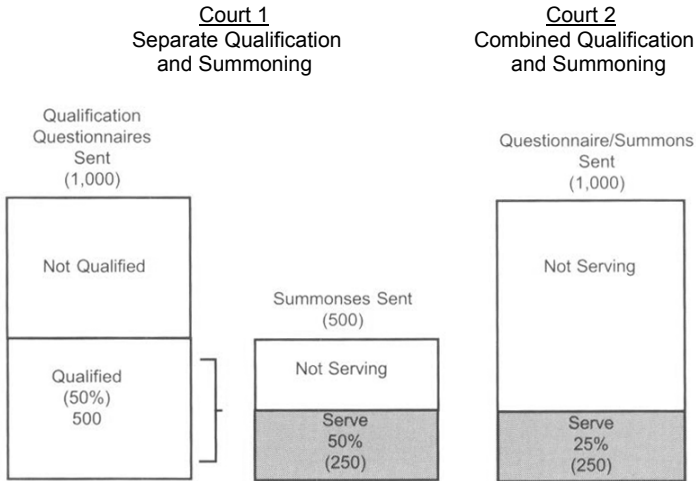
### Comparison of Separate and Combined Qualification and Summoning Processes



The result of the qualification process is a qualified list, and the result of the summoning process is a list of the prospective jurors reporting to the courthouse. This redundancy is the reason for Standard 11(a)(i), which calls for the combination of the qualification and summoning processes.

Figure 3-2

## Two Courts with Identical Jurors Needs



Comparison of the requirements of the separate and combined qualification/summoning processes indicates the savings in mailing and screening requirements of the combined process. For example, in the case of two courts that have identical juror needs (see Figure 3-2):

- Both courts must initially select 1,000 names in order to get 250 persons to serve—an overall yield of 25 percent
- In Court 2, a combined qualification questionnaire and summons is sent in one mailing
- Court 1 must mail 1,500 notices, screen 1,000 qualification questionnaires, and screen approximately 250 summonses
- Court 2 mails and screens 1,000 combined summons/questionnaires

Courts that use combined qualification and summoning report increased yields. For example, Erie County (Buffalo), New York, changed from a two-step process in 1988. As a result of this change, the court reported:

- An increase in yield from 23 percent to 32 percent
- A decrease in annual mailing costs of \$8,663
- A reduction in numbers of forms returned from 75,00 to 35,600, which reduced the administrative and forms costs considerably<sup>1</sup>

<sup>1</sup> Mehrl F. King, "One Step Summoning, Erie County, New York, 1988," internal memorandum, available from the National Center for State Courts.



## Combined Qualification and Summoning Paperwork

The simplicity of combining qualification and summoning can be shown by examining the form used in Dallas County, Texas (see Figure 3-3). This two-sided sheet is addressed by the printer and is folded and sent in a window envelope, but adaptation to a data mailer is possible. There are three principal parts to the Dallas form:

- *Summons*—This is the legal document that requires the prospective juror to appear for duty on a specified date, subject to their calling the juror call-in message.
- *General Information*—One of the most frequent complaints of jurors is the lack of practical information before reporting. Dallas County's form (Figure 3-3) shows the type of advice most jurors need and want. Inclusion of general court information with the summons gives the juror notice of what to expect during service and eliminates many time-consuming questions.
- *Juror Information Form*—The juror information form can serve many purposes in day-to-day management of the jury operation. It is completed by the juror before reporting and is brought along when reporting. To eliminate the tedious roll call, the forms are collected and later entered into the computer. The forms of those present are used as ballots for panel selection. In some courts, the ballots are arranged in the same random order as the original selection. They might also be placed in a randomizing drum or box from which the panel or jury is chosen. The forms for a selected panel are photocopied to generate a panel list containing the biographical information used in the voir dire. One copy of the list is returned to the jury clerk after voir dire and annotated with challenge information; another copy becomes the court's jury record. Time and costs are saved by simply copying the biographical information, rather than using a complex data input and printing process. This also minimizes the availability of this information, thereby respecting the privacy of the prospective juror.

The form also contains several interesting features. The first are the coupons for a free bus ride to and from the court. Parking is not provided. The other is the box permitting the juror to donate their jury fee to charity. The fee is \$6.00 per day in Dallas, and in 1991 about \$200,000 were donated by the 28 percent of those serving.

Figure 3-3

**Jury Summons: Dallas County, Texas**  
(front)



STATE OF TEXAS  
COUNTY OF DALLAS

CERTIFICATE NO.  
DL OR ID NO.  
Greetings,

JUROR NO.

**Jury Summons**

TIME:  
DATE:  
PLACE:

BY ORDER OF

**YOU ARE CAUTIONED UNDER THE PENALTIES OF LAW  
NOT TO FAIL TO ANSWER THIS SUMMONS**

**PLEASE READ BOTH SIDES OF SUMMONS CAREFULLY**

If claiming exemption or disqualification read the instructions on the back of this form. If the name and/or address above is incorrect, fill out the Voter Registration update on the back of form. Should you have any further questions please direct your inquiries as follows:

PLEASE DIRECT CALLS TO:	MAILING ADDRESS:
TELEPHONE INQUIRIES WILL BE ANSWERED MONDAY THROUGH FRIDAY FROM 10:00 A.M. TO 4:00 P.M.	

**FREE BUS RIDE COUPON - INBOUND ONLY**

Detach coupon and present to bus operator upon boarding. Good for one total fare, including transfer, TO DOWNTOWN Dallas. Valid on all DART scheduled bus lines, including Suburban Express routes. Call 978-1111 for schedule information. Time tables will be available in the courthouse for return trip information.

**FREE BUS RIDE COUPON - OUTBOUND ONLY**

Detach coupon and present to bus operator upon boarding. Good for one total fare, including transfer, FROM DOWNTOWN Dallas. Valid on all DART scheduled bus lines, including Suburban Express routes. Time tables are available in the courthouse.

PARKING: WE ENCOURAGE JURORS TO PARK IN COUNTY GARAGES MARKED ON THE BACK OF THIS SUMMONS. IF YOU CHOOSE A PREPAY PARKING LOT, PLEASE PAY IN ADVANCE OR YOUR CAR WILL BE TOWED. THERE IS A FEE FOR ALL PARKING. PARKING TICKETS WILL NOT BE VALIDATED.

(over)  
VALID ONLY ON:

(over)  
VALID ONLY ON:

<b>IMPORTANT: COMPLETE FORM AND BRING WITH YOU</b>					
<b>PLEASE TYPE OR PRINT IN BLACK INK</b>				<b>JUROR INFORMATION FORM</b>	
NAME	DATE OF BIRTH	DRIVERS LICENSE NO.	CIRCLE ONE SINGLE    MARRIED DIVORCED    WIDOWED		NUMBER CHILDREN
YOUR OCCUPATION	YOUR PRESENT EMPLOYER	YRS	HOW LONG HAVE YOU LIVED IN DALLAS COUNTY	PLACE OF BIRTH	
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT EMPLOYER	YRS	SPOUSE'S NAME		
HAVE YOU EVER SERVED ON A CIVIL JURY?		HAVE YOU EVER BEEN PARTY TO A LAW SUIT?			
YES <input type="checkbox"/> NO <input type="checkbox"/> IF SO, WHERE?		YES <input type="checkbox"/> NO <input type="checkbox"/> IF SO, WHAT TYPE?			
HAVE YOU EVER SERVED ON A CRIMINAL JURY?		RELIGIOUS PREFERENCE	PHONE NUMBER	HOME	
YES <input type="checkbox"/> NO <input type="checkbox"/> IF SO, WHERE?			WORK		

DATE	CERT. NO.
TIME	DL NO.
	JUROR NO.

ENTER CORRECT NAME AND/OR ADDRESS BELOW

PLEASE CHECK THE FOLLOWING BOX IF YOU DESIRE TO DONATE YOUR JURY FEE TO THE JUVENILE DEPARTMENT AND HOLIDAY GIFTS FOR CHILDREN IN FOSTER CARE.

YES   
NO

SIGNATURE \_\_\_\_\_

On behalf of our youth, the Dallas County Juvenile Board thanks you for your generous contribution.

(continued)

# Jury Summons: Dallas County, Texas continued

(back)

**DISQUALIFICATION OR POSTPONEMENT AFFIDAVIT**

IF CLAIMING A DISQUALIFICATION LISTED BELOW OR REQUESTING A POSTPONEMENT, PLEASE FILL IN THIS AFFIDAVIT, DETACH, AND MAIL TO THE REPORTING ADDRESS ON THE FRONT OF THIS FORM. AFFIDAVIT MUST BE NOTARIZED.

**AFFIDAVIT**

I DO SOLEMNLY SWEAR THAT I AM DISQUALIFIED OR AM REQUESTING A POSTPONEMENT FOR THE FOLLOWING REASON: \_\_\_\_\_

I FURTHER SWEAR THIS REQUEST IS NOT FOR BUSINESS REASONS.

YOUR SIGNATURE \_\_\_\_\_

SUBSCRIBED TO AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_\_ STATE OF TEXAS  
COUNTY OF DALLAS

NOTARY \_\_\_\_\_

SEAL \_\_\_\_\_

**DISQUALIFICATIONS**

Section 62.102 of the Government Code of the State of Texas states the General Qualifications for Jury Service. A person is disqualified to serve as a petit juror unless he:

- (1) is at least 18 years of age;
- (2) is a citizen of this state and of the county in which he is to serve as a juror;
- (3) is qualified under the constitution and laws to vote in the county in which he is to serve as a juror;
- (4) is of sound mind and good moral character;
- (5) is able to read and write;
- (6) has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
- (7) has not been convicted of a felony; and
- (8) is not under indictment or other legal accusation of misdemeanor or felony theft, or any other felony.

**VOTER REGISTRATION UPDATE**

ENTER NAME AND ADDRESS CHANGES BELOW

VOTER REGISTRATION CERTIFICATE NO. \_\_\_\_\_

\*DRIVERS OR ID NO. \_\_\_\_\_

\*SOCIAL SEC. NO. \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**\*OPTIONAL**

**EXEMPTIONS**

IF CLAIMING AN EXEMPTION LISTED BELOW, FILL IN THE NUMBER OF THE EXEMPTION AND YOUR SIGNATURE. DETACH AND MAIL TO THE REPORTING ADDRESS ON THE FRONT OF THIS FORM.

EXEMPTION NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**EXEMPTIONS**

Section 61.106 of the Government Code of the State of Texas states the exemptions from Jury Service as follows:

A person qualified to serve as a juror may establish an exemption from jury service if he:

- (1) is over 65 years of age; \*for over 65 permanent exemption see #7.
- (2) has legal custody of a child or children younger than 10 years of age and his service on the jury requires leaving the child or children without adequate supervision;
- (3) is a student of a public or private secondary school;
- (4) is a person enrolled and in actual attendance at an institution of higher education;
- (5) is an officer or employee of the Senate, House of Representatives or any department, commission, board, office or any other agency in the legislative branch of state government;
- (6) is the primary caretaker of a person who is an invalid unable to care for himself.

Section 62.108 of the Government Code of the State of Texas establishes eligibility for exemption if he: \*7)is over 65 years of age who wishes to claim permanent exemption.

**INFORMATION TO JURORS**

To assist DART in monitoring the success of this free ride offer, please check the appropriate boxes below:

If you are required to return to the courthouse tomorrow, or on successive days, do you plan to ride the bus again? Yes  No

To assist DART in monitoring the success of this free ride offer, please check the appropriate boxes below:

If called to return to the courthouse on successive days, do you plan to ride the bus again? Yes  No   
Are you a regular transit rider? Yes  No

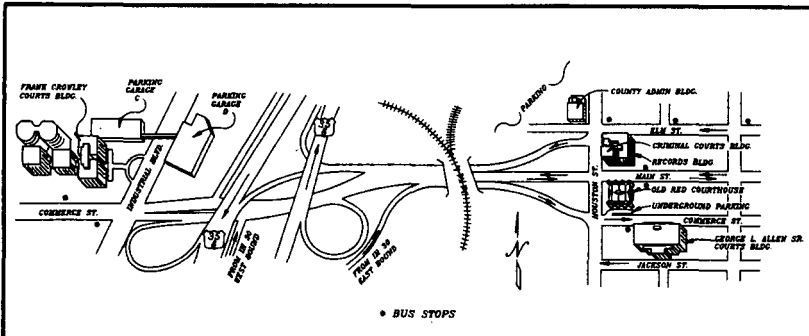
**PARKING:**Your Parking ticket WILL NOT be validated by a member of the Jury Staff.

**JUROR FEE:** You will receive \$6.00 each day you report.

**ATTIRE:** Please dress appropriately.

THIS IS THE ONLY COMPLIMENTARY SET OF BUS PASSES THAT YOU WILL BE ISSUED.

**REFER TO ADDRESS ON THE FRONT SIDE OF FORM FOR CORRECT REPORTING LOCATION**



## Data Mailer--Computer Prepared

A computer-prepared data mailer, as used in the state courts in Colorado, is shown in Figure 3-4. This mailer includes the same excellent functions as the Dallas County form. The important features of this form are:

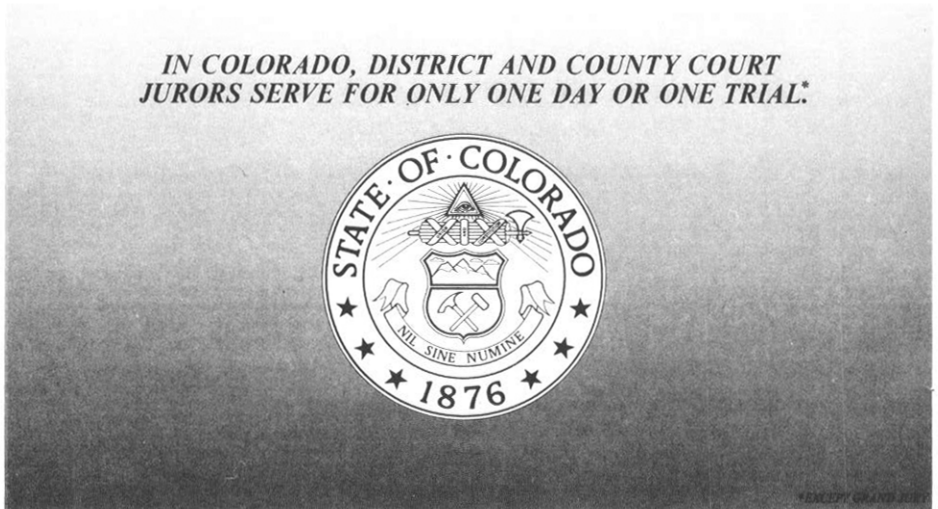
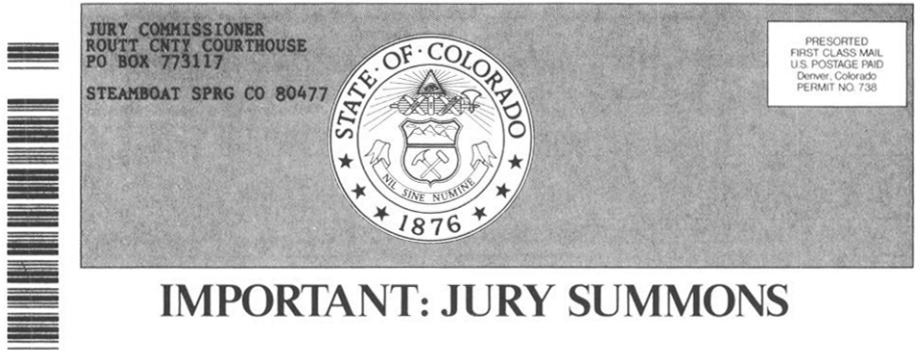
- If the person is coming in, he or she does just that; no paper is received by the court. Some courts feel uneasy with this in that no response is received from those coming in. A response card can be included at a small additional cost. However, this is only useful in those courts summoning small numbers of persons (i.e., less than fifty).
- Only excuses and disqualifications result in activity by the court.
- The panel list is quickly prepared by photocopying the Juror Information Form and is up to date (see Element 8).
- By destroying the juror information form, the privacy of the juror is maintained.
- The juror badge, containing the juror name and number, is part of the summons.
- By using bar codes, the jurors are quickly checked in, and fee checks can be quickly prepared.
- The bar codes on the outside of the mailer permit the computer input of all undeliverable mail without opening the mailer.
- Computer input of qualification and biographical information is not necessary for any reason.

In the design of data mailers, it is advisable to include areas with proper carbonization to permit special messages to be printed on the summons. This "free field" is used for special instructions, changes in information, new call-in procedures, or clarifying instructions. Other courts include maps or court specific instructions. The form shown is a "heat sealable" form. A laser printer prepares the form and the form is then automatically folded and sealed.

Figure 3-4

## Jury Summons: Steamboat Springs, Colorado

(front and back)



continued

# Jury Summons: Steamboat Springs, Colorado continued

(inside pages 1-2)



## SUMMONS FOR JUROR SERVICE

**ROUTT**

JS-01 (5-92)

**APPEARANCE DATE: MARCH 01, 1993**  
**TIME: 08:30 AM**  
**LOCATION: ROUTT CNTY COURTHOUSE**  
**522 LINCOLN**  
**STEAMBOAT SP CO 80477**  
**JUROR NUMBER: 1004**

### THE ONE DAY OR ONE TRIAL JURY SYSTEM

Colorado law makes jury service as convenient as possible for the majority of our citizens. The concept used in Colorado is a one day or one trial system. When randomly selected citizens are summoned, they are expected to serve just one day, or if selected for a trial, the duration of that trial. The citizen knows what is required, and the employer knows what is required when an employee serves on jury duty. The majority of jurors in Colorado complete their service requirement in one day. For those who are selected, the average length of a jury trial is three days. This information should allow jurors and the employers to coordinate an employee's time away from the job.

YOU ARE SUMMONED TO SERVE AS A

#### TRIAL

JUROR IN THE DISTRICT AND COUNTY COURTS

STATE OF COLORADO

PRIOR TO REPORTING FOR JUROR SERVICE, YOU MUST DETERMINE IF YOU ARE QUALIFIED TO SERVE. SEE THE STATEMENT OF JUROR QUALIFICATIONS ON THE REVERSE SIDE OF THIS SUMMONS. IF YOU ARE NOT QUALIFIED TO SERVE AS A JUROR, CONTACT THE JURY COMMISSIONER'S OFFICE.

**JUROR NUMBER: 1004**

**APPEARANCE DATE: MARCH 01, 1993**  
**TIME: 08:30 AM**  
**LOCATION: ROUTT CNTY COURTHOUSE**  
**522 LINCOLN**

**STEAMBOAT SPRG CO 80477**

**JURY COMMISSIONER: PEGGY MARLOW**  
**TELEPHONE NUMBER: 879-5023**

- \* THIS IS A TEST CALL ONLY
- \* IMPORTANT
- \* PLEASE READ CAREFULLY:
- \* YOU NEED TO APPEAR AT
- \* THE DISTRICT COURT ON MARCH 01, 1993 AT 08:30 A.M.
- \* THE NIGHT BEFORE YOUR APPEARANCE DATE
- \* PLEASE PHONE - 879-5023 AFTER 5:00 P.M.
- \* TO SEE IF TRIAL IS STILL SCHEDULED.

# JUROR

COMPLETE THE JUROR QUESTIONNAIRE AND BRING IT WITH YOUR SUMMONS!

KEEP THIS SUMMONS AND BRING IT WITH YOU ON YOUR APPEARANCE DATE



continued

## Jury Summons: Steamboat Springs, Colorado continued

(inside pages 3-4)

### JUROR QUALIFICATIONS

If all of the statements listed below apply to you, you are qualified to serve and must follow the reporting instructions on the front of this summons.

- You are 18 years of age or older.
- You reside in the county from which you have been summoned.
- You are a citizen of the United States.
- You can read, speak and understand the English language.
- You have not appeared at a courthouse for juror service for five days or more in the past twelve months.
- You do not have sole responsibility for the daily care of a permanently disabled person living in the same household, where your juror service would cause substantial risk of injury to the health of the disabled person. (If you do, you may be required to submit a statement from your doctor or authorized Christian Science practitioner to the jury commissioner within five days of the receipt of this summons before you may be disqualified.)
- You do not have a physical or mental disability that would affect your ability to serve as a juror. (If you do, you may be required to submit a statement from your doctor or authorized Christian Science practitioner to the jury commissioner within five days of the receipt of this summons before you may be disqualified.)

If you have any questions, contact the jury commissioner's office to verify your qualification.

### JUROR FEES

Jurors are paid under sections 13-71-126, 127, 128, 129, Colorado Revised Statutes:

- Employed jurors are paid by employers for the first three days of juror service.
- Unemployed jurors may ask the court for reasonable expenses for the first three days of juror service. Receipts for expenses may be required by the jury commissioner no later than three days after reporting for juror service.
- The state pays \$50 per day after the third day of actual juror service.

When appropriate, a check will be mailed to you approximately six weeks after your juror service has been completed.

### JUROR QUESTIONNAIRE (NOT A PUBLIC RECORD)

NAME:		AGE:	SEX: <input type="checkbox"/> FEMALE <input type="checkbox"/> MALE	EDUCATION COMPLETED: <input type="checkbox"/> HIGH SCHOOL <input type="checkbox"/> LESS THAN HIGH SCHOOL <input type="checkbox"/> COLLEGE <input type="checkbox"/> POST GRAD
RESIDENCE ADDRESS:		MARITAL STATUS: <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> SEPARATED <input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOWED		
MAILING ADDRESS:		YOUR OCCUPATION: <input type="checkbox"/> REGULARLY EMPLOYED <input type="checkbox"/> SELF-EMPLOYED <input type="checkbox"/> UNEMPLOYED		
CITY:	COUNTY	STATE	ZIP	SPOUSE'S OCCUPATION
<input type="checkbox"/> CHECK IF THIS IS A NEW ADDRESS		PREVIOUS JUROR SERVICE: <input type="checkbox"/> YES <input type="checkbox"/> NO		HOME TELEPHONE NUMBER:
<input type="checkbox"/> CHECK IF THIS IS A NEW NAME				WORK TELEPHONE NUMBER:
HAVE YOU EVER BEEN INVOLVED IN A COURT PROCEEDING? <input type="checkbox"/> YES <input type="checkbox"/> NO				
IF YES, PLEASE ANSWER THE FOLLOWING: <input type="checkbox"/> INVOLVED NOW <input type="checkbox"/> IN THE PAST <input type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> PARTY TO A CASE <input type="checkbox"/> WITNESS IN A CASE				
I DECLARE THE INFORMATION GIVEN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF A MATERIAL FACT IS A CLASS 3 MISDEMEANOR PUNISHABLE AS PROVIDED IN SECTION 18-1-106, COLORADO REVISED STATUTES.				
SIGNATURE:			DATE:	

### LEGAL RIGHTS AND RESPONSIBILITIES

Protection of juror's employment (Section 13-71-134, Colorado Revised Statutes):

An employer shall not threaten, coerce, or discharge an employee for reporting for juror service as summoned.

Penalties for failure to obey a juror summons (Sections 18-8-612 and 18-1-106, Colorado Revised Statutes):

A person who fails to obey a juror summons may be fined up to seven hundred fifty dollars, or imprisoned for up to six months, or both.

## Data Mailer

The single-sheet, laser-printed qualification and summons form from Ventura County, California, is shown in Figure 3-5. This form shares the same basic features as the form used in Colorado (Figure 3-4). Several additional features of this form are:

- The mileage to be used as the basis for payment of the juror is based on a zip-code look-up table contained in the computer. Jurors can report a different mileage; however, this information is accepted by more than 90 percent of the prospective jurors, thereby eliminating much work for the jury staff.
- Prospective jurors are asked to identify any special arrangements required due to a disability.<sup>2</sup>
- The call-in system is described and the procedures are given, including the prospective jurors group number.
- A great deal of information is contained on the reverse side including average trial length, information for employers, phone numbers, and a map.
- A single-sheet form, although requiring folding and stuffing into envelopes, is a great deal less costly than a data mailer. Information can be easily changed by a change in the computer-generated message or by printing new blank forms.

## Other Paperwork Practices

Paperwork can be a time-consuming and frustrating part of the work in the jury system process. The tasks of qualifying, excusing, and postponing prospective jurors, updating records, noting address changes, sorting, and filing are often made so complicated that many more people than might be necessary are required to complete the tasks. This section describes some of the most successful innovations devised to reduce the paperwork burden of jury clerks. Many of these innovations depend on automation support.

- *Qualification Questionnaire Format*—Grouping questions and lining up the answer boxes can reduce the time needed to screen responses. By asking specific questions, as done on the reverse side of the form in Figure 3-5, the answer will be more specific to the issues.
- *Bar Code Data Input*—By using the bar code on the questionnaire to bring

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<sup>2</sup> The subject of service on juries by persons with disabilities is examined in Kristi Bleyer, Kathryn Shane McCarty, and Erica Wood, *Into the Jury Box: A Disability Accommodation Guide for State Courts* (Washington, DC: American Bar Association, 1994).




forward a specific record on the computer and then inputting another bar code for a specific exemption or disqualification, questionnaires can be quickly scanned. The bar codes for the input of the exemption can be a template attached to the terminal.

- *Qualification Questionnaire Sorting*—Many courts use a two-step process in which questionnaires must be sorted and filed so that when persons are summoned, their questionnaires can be retrieved for reference in the courtroom. A one-step process eliminates this effort.
- *Scanning Input Data*—Modern scanners can read marks, numbers, and letters. Some high volume courts use optical scanning and recognition equipment to input data into their juror database directly. These systems require an operator to correct or read questionable characters; however, this is still far more rapid than direct input. In Orange County, California, a single operator can scan and correct 4,000 complex juror questionnaires per day.
- *Unnecessary Data Input*—The qualification questionnaire often contains data that either is not needed or is superseded by more up-to-date information. For instance, some jurisdictions have prospective jurors complete a questionnaire upon their arrival for use in the voir dire (see "Panel Lists," page 107). This method has at least three advantages over the data input and printing: the information is restricted and is available only for the appropriate voir dire, thereby allowing a measure of privacy for the juror; the information is more up to date if completed the morning the prospective jurors report; and it saves a great deal of staff time because the data does not have to be entered.
- *Generation of Notices*—Notices giving prospective jurors new reporting data, informing them that a request to be excused has been accepted or denied, or asking for additional information can be easily automated and generated without operator intervention.
- *Direct Input of the Identification of Undeliverable Forms*—If the bar code is visible on the outside of the envelope, those forms that are undeliverable can be quickly entered into the automation system. This is necessary to identify those who did not respond or report.

Figure 3-5

# Jury Summons: Ventura, California (front)



\*110096860\*

JID: 110096860  
RPT: JUNE 03, 1991  
GRP: 944

**JUROR**

DO NOT DETACH

## SUMMONS

BRING THIS SUMMONS WITH YOU ON  
YOUR FIRST DAY OF SERVICE.

PR000407

---

YOU ARE HEREBY SUMMONED to appear for trial jury services in Superior and Municipal Courts of Ventura County on: **JUNE 03, 1991**, 16 miles is the average mileage from your community to the government center. You will receive credit for this amount of miles unless you notify the Jury Clerk on your first day of service.

Report to: **ROOM 113, HALL OF JUSTICE  
800 S. VICTORIA AVENUE  
VENTURA CA 93009-0201**

Your designated group is: **GROUP NUMBER 944**

**PHONE-IN PROCEDURE:** You are instructed to CALL OUR RECORDED MESSAGE the weekend prior to your appearance date FOR REPORTING INSTRUCTIONS. TOLL FREE JURY SERVICES TELEPHONE NUMBERS ARE LISTED ON THE BACK OF THIS FORM.

Have your SUMMONS handy when calling. You will hear a prerecorded message telling you when your GROUP is scheduled to REPORT FOR SERVICE. The purpose of the recorded message is to minimize the number of jurors waiting, thus making your service more convenient and saving costs for all taxpayers. Be sure to bring the top portion of this form with you when you report for duty.

If you call the recorded message and find that your group number is not scheduled to appear during your reporting week you will be excused from this summons.


If you have special scheduling problems, or a situation you feel is unique to your employment, call our office at (805) 654-2256 between 1:00 p.m. and 4:00 p.m., Monday through Friday. Explain you have special scheduling needs and the clerk will assist you.

Any request for postponement, disqualification or request for excuse must be obtained by completing and returning the Affidavit of Prospective Trial Juror Questionnaire (see reverse side) within the next five (5) days. Do not wait to deliver when you report for jury service. Failure to return the Affidavit of Prospective Juror Questionnaire within 5 days will automatically qualify you for jury service.

Shells Gonzalez  
Jury Commissioner

**DETACH HERE AND RETURN PORTION BELOW.**

GAMMON, KIM L  
750 MOBIL AVE APT 62  
CAMARILLO CA 93010-4651



110096860  
JUNE 03, 1991  
944

16

**JUROR AFFIDAVIT MUST BE COMPLETED AND RETURNED WITHIN 5 DAYS**

**IMPORTANT** - COMPLETE THIS IDENTIFYING INFORMATION section and the AFFIDAVIT OF PROSPECTIVE TRIAL JUROR (on the back of this form) and return by mail within the next five (5) days. Do not wait to deliver this when you report for service.

CHANGE NAME OR ADDRESS IF NECESSARY

\_\_\_\_ MR. \_\_\_\_ MRS. \_\_\_\_ MISS \_\_\_\_ MS.

PLEASE PRINT:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

**IDENTIFYING INFORMATION**

Home Phone: ( ) - \_\_\_\_\_ Ext. \_\_\_\_\_

Work Phone: ( ) - \_\_\_\_\_ Ext. \_\_\_\_\_

Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_

If you have any **PHYSICAL CONDITION OR LIMITATION** requiring special arrangements (i.e., wheelchair access, sign language interpreter, etc), please explain: \_\_\_\_\_

**PROOF OF SERVICE** (Please check one.)

I will require **PROOF OF SERVICE** for

my employer.       NO       YES

**FOR COURT USE ONLY -- DO NOT WRITE IN THE SECTION BELOW.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RESPONSE CODING**

SMND      POST \_\_\_\_\_      B      H      P      S      V      Z

A    B    C    D    E    F    G    H    I    J    K    L    M    N    O    P

ACTION BY: \_\_\_\_\_      DATE: \_\_\_\_\_

continued

# Jury Summons: Ventura, California continued (back)

## TRIAL JUROR INFORMATION

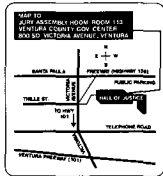
**IDENTIFYING INFORMATION**  
You have been selected at random to serve as a prospective trial juror in the SUPERIOR and MUNICIPAL COURTS in the COUNTY OF VENTURA.

**YOU MUST COMPLETE AND RETURN THE ENCLOSED AFFIDAVIT OF PROSPECTIVE TRIAL JUROR QUESTIONNAIRE TO OUR OFFICE WITHIN THE NEXT FIVE DAYS REGARDLESS OF WHETHER YOU ARE PLANNING TO REPORT AS SCHEDULED OR REQUESTING AN EXCUSE.**

**HOURS OF SERVICE:** The courts are in operation from 9:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.

**TRIAL DURATION:** Trials are of varying lengths. Cases in Ventura County average four days. The trial judge will advise you of trial duration and may excise you from serving on a particular case if your service would amount to an extreme hardship.

Ventura County jury service is a "one day/one trial" form of service. At the end of your first day of service, if you are not assigned to a courtroom, you will most likely be excused and your service completed.



**PROOF OF APPEARANCE:** Some employees receive the summons to furnish certification upon returning to work. Please mark your response "Proof of Service Required" unless YOU REQUEST INFORMATION otherwise.

**EXEMPTIONS:** No person shall be exempt from jury service by reason of occupation. Based on their student status, students may request a postponement of their service to the next school break. In this case, we will postpone said 50 days if necessary. Complete the POSTPONEMENT section on the Affidavit of Prospective Trial Juror Questionnaire. You will receive notification of your new date for trial.

**EXCUSE:** There is no permanent excuse from jury service. The law requires prospective jurors be selected if random each year. It is possible that you may have been excused in the past for a reason that is still postponing you from serving. If this is the case, simply complete the appropriate section on your Affidavit of Prospective Trial Juror Questionnaire and resound excuse.

**UNLESS WE NOTIFY YOU THAT YOUR REQUEST FOR EXCUSE HAS BEEN DENIED, YOU MAY ASSUME IT HAS BEEN APPROVED.**

Employees are not required by law to compensate employees with their regular wages while on jury duty. Many employers do have jury benefits and will continue your wages while you serve. It is advisable to check with your employer regarding the company's policy.

**JURY DUTY NOTICE TO EMPLOYER: RIGHT TO TIME OFF:** Section 2300(a) of the LABOR CODE reads: "No employer shall discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest or trial jury, if such employee prior to taking such time off gives reasonable notice to the employer that he is required to serve."

## JURY SERVICES - LOCAL TELEPHONE NUMBERS

Ventura, Oak, Baitery	564-5000 ext. 2350
County Center, First Business	305-6000 ext. 2350
San Marcos, Thousand Oaks	526-2080 ext. 2350
San Luis	233-6443 ext. 2350
Filmore, Piru	524-4022 ext. 2350
San Juan, Apple, Bull & Box Court	233-6443 ext. 2350
Lockwood Valley	Entomera 19524 ext. 2350
Melito	Jama 25522 ext. 2350

**POSTPONEMENT OF JURY SERVICE:** If you are not available on the date scheduled, you may request ONE POSTPONEMENT of your service in the postponement section of the Affidavit of Prospective Trial Juror, select a week within the next NINETY DAYS.

You will receive notification of your new date by mail. Inconvenience to a prospective trial juror or an employer is not a legal reason to be excused from jury service. You may request to be postponed for this reason.

**DRESS CODE:** Business attire is suggested. Jurors are advised to dress in layers as the temperature of the jury assembly areas and courtrooms can be unpredictable.

**MISC:** Due to the nature of jury service and the court process itself, there are often periods of waiting. We suggest bringing something to read, headphones, etc. There are toilet facilities throughout the day and you will have at least one hour for lunch. There is a cafeteria in the Hall of Justice and restaurants near the Government Center (or you may bring a sack lunch).

**JUROR FEES:** Juror fees are mandated by State law and currently are \$5.00 per day and \$0.15 (15 cents) per mile, one-way, for each day you are required to serve. You should receive your warrant of payment approximately four weeks after completing your service. If you do not receive your juror fees in that time, please call our office and speak to the payroll clerk. Our phone number is (805) 664-2350 between 10:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

## AFFIDAVIT OF PROSPECTIVE TRIAL JUROR QUESTIONNAIRE

**IMPORTANT - COMPLETE THE IDENTIFYING INFORMATION SECTION ON THE REVERSE SIDE OF THIS PAGE!! COMPLETE AND RETURN IN ENCLOSED COURTESY ENVELOPE**

**QUALIFICATION - I AM QUALIFIED** to serve as a juror.  
I will report for service on the date scheduled.

**POSTPONEMENT - I AM NOT AVAILABLE AS SCHEDULED**  
I am not available for the following reason (check one):  
Explanation of the reason you checked:

- B. BUSINESS
- H. HEALTH
- P. PERSONAL
- S. STUDENT
- V. VACATION
- Z. OTHER

Understood, I may ask for ONE postponement. I have selected a specific week to appear within the next NINETY days. I am available the week of \_\_\_\_\_.

**DISQUALIFICATION - I AM NOT QUALIFIED** to serve as a juror because:

- A. I AM NOT A CITIZEN of the United States. I am a citizen of \_\_\_\_\_.
- B. I AM NOT EIGHTEEN YEARS OF AGE or older. My date of birth is: \_\_\_\_\_.
- C. I AM NOT DOMICILED IN THE STATE OF CALIFORNIA. I am domiciled in: \_\_\_\_\_.
- D. I AM NOT A RESIDENT OF VENTURA COUNTY. I am a resident of \_\_\_\_\_ County in \_\_\_\_\_ State.
- E. I HAVE BEEN CONVICTED OF A FELONY OR MALFEASANCE IN OFFICE and my civil rights have not been restored. Date and County of conviction: \_\_\_\_\_.
- F. I DO NOT HAVE SUFFICIENT KNOWLEDGE OF THE ENGLISH LANGUAGE to act as a juror. My native language is: \_\_\_\_\_.
- G. I AM CURRENTLY SERVING AS A \_\_\_\_\_ GRAND TRIAL JUROR in \_\_\_\_\_ court.
- H. I AM NOW A SUBJECT OF CONSERVATORSHIP. Case number: \_\_\_\_\_ Court: \_\_\_\_\_.

**EXEMPTION:** THERE IS NO STATUTORY EXEMPTION BY OCCUPATION.

**REQUEST FOR EXCUSE:** It is not possible to defer my jury service. I am REQUESTING TO BE EXCUSED from service for the following reason(s):

- 1. I have no reasonably available means of public or private TRANSPORTATION to the court. Explain: \_\_\_\_\_.
- 2. I must TRAVEL more than one and one half hours from home to court, one way. Explain: \_\_\_\_\_.
- 3. I will bear an EXTREME FINANCIAL BURDEN if required to serve. Explain: \_\_\_\_\_.

JURY BENEFITS ARE NOT PROVIDED BY MY EMPLOYER. I AM ENCLOSED PROOF FROM MY EMPLOYER THAT I WILL LOSE WAGES (check one):

\_\_\_\_\_ hourly wage  
\_\_\_\_\_ salary \_\_\_\_\_ commission \_\_\_\_\_ SELF EMPLOYED  
My work hours are from \_\_\_\_\_ to \_\_\_\_\_.

L. I will bear an undue risk of material injury to or destruction of my PROPERTY OR PROPERTY ENTRUSTED TO ME. Explain: \_\_\_\_\_.

M. I have a PHYSICAL OR MENTAL DISABILITY or impairment exposing me to undue risk of physical or mental harm if required to serve. This disability is not temporary. Explain: \_\_\_\_\_.

N. My services are needed for protection of the PUBLIC HEALTH AND SAFETY, and it is not feasible to make alternative arrangements to be relieved of these responsibilities during the period of service as a juror. Explain: \_\_\_\_\_.

O. I have a personal obligation to provide actual and necessary CARE TO ANOTHER between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Comparable care is not economically practical. Please list the name, age, and relationship of person(s) you are caring for and the reason this care is necessary: \_\_\_\_\_.

P. I have served or was summoned and actually appeared for JURY SERVICE within the preceding twelve months. When and where: \_\_\_\_\_.

UNLESS WE NOTIFY YOU THAT YOUR REQUEST FOR EXCUSE HAS BEEN DENIED, YOU MAY ASSUME IT HAS BEEN APPROVED. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT (Civil Code of Procedure Section 2015.1).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_, California.

Signature X \_\_\_\_\_

Response may be made by any person having knowledge that the prospective juror is unable to respond to such inquiry or summons IF PERSON SIGNING IS NOT PROSPECTIVE JUROR, INDICATE YOUR RELATIONSHIP TO JUROR NEXT TO YOUR SIGNATURE.

**IMPORTANT - COMPLETE THE IDENTIFYING INFORMATION ON THE REVERSE SIDE OF THIS FORM.**

## Random Selection

In selecting names for jury service, a court will have to select from one or more larger lists, given in Standard 3. This has been done by every conceivable method—some random, some perhaps not so random. Some examples include taking the tenth name from each page of a voters poll book, asking a blindfolded person to point to places on a list of eligible names, or reaching into a barrel of capsules containing names or numbers and drawing out the number of names needed.

Random number generators available in computers provide a means of selecting names from automated lists. One way is to select a random number, look for that number in the list of names and identifying numbers, and select the name for that number. Another scheme is to select random numbers (usually nonrepeating) and assign those to each name on the list, then sort in ascending or descending order based on the random number.

One common method is the automated equivalent of the manual random start/fixed interval method.<sup>3</sup> The list size is divided by the number of names needed, and the quotient gives the "fixed interval" (some statutes refer to this as the "key number"). The rounding off of the quotient, up or down, is a complexity few consider.<sup>4</sup> Rounding up is preferred. A random number is then selected in the interval starting from zero to and including the value of the fixed interval. A blind selection from a table of random numbers is the best method. Methods not recommended are using numbers based upon ages, birthdays, Social Security numbers, or digits of the year, for these values are seldom random and all values in the range of interest may not have an equal chance of being selected. The random start/fixed interval method, although it provides for a random selection from the list, retains the order of the selected names from the original list. Therefore, some randomization or scrambling is necessary to break up the alphabetical or geographical order reflected in the original list.

Although most scientific software and all home computers contain random number generators, modern computers, whose use is primarily for record- and bookkeeping, may not contain or have readily available a random number generator.<sup>5</sup> Taking a program to

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<sup>3</sup> *Qualifying, Summoning, and Excusing Jurors in United States District Courts*, published by the Administrative Office of the United States Courts, Washington, D.C.

<sup>4</sup> The best method is to maintain the fractional part of the interval in the calculation of each number and round off to determine the name to be selected. For example, if the interval is 6.4 and the start number is 5, the numbers of the names to be selected are 5, 11.4, 17.8, 24.2, etc. The names selected would be 5, 11, 18, 24, etc.

<sup>5</sup> All computer random routines are actually pseudorandom number generators for their sequence is defined by an

generate random numbers written for one computer and using it in another computer takes some skill, for these programs often use machine-unique functions such as using the clock time maintained within the computer to determine where to start the random sequence or using the maximum number of digits permitted in the computer to truncate or take away unneeded digits in the randomizing scheme. Generating and testing random numbers is itself a complex subject.<sup>6</sup> Therefore, many counties, states, or courts are left with implementing a random process on a computer that does not have a random number generator. These situations are met by constructing a code from some information within the record of each person, which the court hopes will be unique to that person and also random. Then the computer can sort, by ascending or descending order, according to this code to produce a random order.

Two code construction methods have been observed. The first, *extraction coding*, generates a code by extracting certain characters (digits or letters) from the record containing the information on the person, which, if assembled, are hopefully random. An example would be to take the second letter of the city plus the second letter of the person's last name plus the last digit of the zip code. While conceptually random, this method can produce very nonrandom results, or groups of prospective jurors who appear to be nonrandom. "Randomness" in the court setting is basically the perception of a random appearance as compared to the use of complex statistical measures of compliance of randomness characteristics. It is only when groups appear nonrandom that measures of compliance are sought.

The problems with extraction codes are that the first digit or character is the most significant. For instance, in one county, the first character was a letter from the town name. Those towns with "a" as the selected character were predominantly suburban, and few minorities lived in these towns. When names were selected from this list (which was considered to be in a random sequence), only a few towns were represented, and there were no minorities. In another jurisdiction, which used the list of licensed drivers, the person's weight was one data field, which unfortunately was the field used for selection.

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equation and the sequence can be predicted. The sequence will be the same and will repeat. However, modern techniques for the generation of these numbers usually have sequences so large and use methods which start at different points within the sequence that, for all practical purposes, the resultant sequence is considered random. See Stephen K. Park and Keith W. Miller, "Random Number Generators: Good Ones Are Hard to Find," *Communications of the ACM*, 31 (1988), 1152-1201.

<sup>6</sup> C. A. Whitney, "Generating and Testing Pseudorandom Numbers," *Byte* (October 1984), 128; D. E. Knuth, *The Art of Computer Programming* (Reading, MA: Addison Wesley Publishing Company, 1974, 1978).

The resultant assemblage of prospective jurors included mostly overweight men.<sup>7</sup> Thus, using an extraction code method requires a careful study of the resultant list sequence.

Another method of code construction, called *numeric transposition*, rearranges or manipulates a number associated with each name so that a sort based on that number should be random. An example is the desire to randomize those names selected via a random start/fixed interval selection, as was proposed for use in North Dakota. The result of the random start/fixed interval selection retains the order of the initial list. That is, if the initial or source list is the voters lists for all towns, the list is probably alphabetical within the town lists. When these town lists are assembled, or concatenated, and when a random start/fixed interval selection is made, the result is still by town and alphabetical within each town. A means of randomizing or scrambling this order is desired.<sup>8</sup>

With the numeric transposition method, a number is associated with each name on the list. This could be a computer-assigned sequence number, a voter or driver number, or an assigned juror number. The transposition method would take this number and manipulate it via some set rules. North Dakota uses a reversal of the number (i.e., 1234 becomes 4321 and 1 becomes 1000). Then, by sorting via this converted number, a randomization or mixing occurs. In tests of this method using actual merged lists of more than one thousand licensed drivers and voters, the distribution of zipcodes within consecutive groups of fifty names very closely agreed with the zipcode distribution of the entire list. Alphabetical groups were likewise broken up, and no patterns were observed.<sup>9</sup> However, as with the extraction code method, some strange results can occur. For instance, consider the transposition of the numbers 1 through 10. The initial series 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 becomes 10, 20, 30, 40, 50, 60, 70, 80, 90, and 01. A sort of these would only move the last name to the top of the list, and except for this, the sequence of the initial list would be preserved. A similar result is seen if the sequence 101 to 110 is transposed. The problems occur if one or several positions within the initial sequence do not contain a full range of values. Before extraction or transposition methods are used, the court should look at the distribution of consecutive groups for alphabetical orders, geographical distribution, or runs in the same order as the original list.

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<sup>7</sup> *Center for Jury Studies Newsletter*, 3:4 (1981), 4.

<sup>8</sup> This is a specialized field of randomization and statistics and is often studied as the "card shuffling" problem (i.e., how many shuffles are necessary and how is a shuffled deck defined?).

<sup>9</sup> "Randomization Without Random Numbers," paper prepared by Center for Jury Studies for Greg Wallace, Office of the State Court Administrator, Bismarck, North Dakota, October 17, 1986.

# 4

## Exemptions, Excuses, and Postponements

*The purpose of this element is to increase the yield of prospective jurors and make jury duty more convenient for more citizens.*

### APPLICABLE ABA STANDARD

#### STANDARD 6: EXEMPTION, EXCUSE AND DEFERRAL

- (a) ALL AUTOMATIC EXCUSES OR EXEMPTIONS FROM JURY SERVICE SHOULD BE ELIMINATED.
- (b) ELIGIBLE PERSONS WHO ARE SUMMONED MAY BE EXCUSED FROM JURY SERVICE ONLY IF:
  - (i) THEIR ABILITY TO RECEIVE AND EVALUATE INFORMATION IS SO IMPAIRED THAT THEY ARE UNABLE TO PERFORM THEIR DUTIES AS JURORS AND THEY ARE EXCUSED FOR THIS REASON BY A JUDGE; OR
  - (ii) THEY REQUEST TO BE EXCUSED BECAUSE THEIR SERVICE WOULD BE A CONTINUING HARDSHIP TO THEM OR TO MEMBERS OF THE PUBLIC, OR THEY HAVE BEEN CALLED FOR JURY SERVICE DURING THE TWO YEARS PRECEDING THEIR SUMMONS, AND THEY ARE EXCUSED BY A JUDGE OR DULY AUTHORIZED COURT OFFICIAL.
- (c) DEFERRALS OF JURY SERVICE FOR REASONABLY SHORT PERIODS OF TIME MAY BE PERMITTED BY A JUDGE OR DULY AUTHORIZED COURT OFFICIAL.
- (d) REQUESTS FOR EXCUSES AND DEFERRALS AND THEIR DISPOSITION SHOULD BE WRITTEN OR OTHERWISE MADE OF RECORD. SPECIFIC UNIFORM GUIDELINES FOR DETERMINING SUCH REQUESTS SHOULD BE ADOPTED BY THE COURT.

One of the most important management tools of the qualification and summoning process is the analysis of the yield. The percentage of those persons selected who are qualified and available to serve indicates the efficiency of the source lists, the willingness of the community to serve on jury duty, the efficacy of the excuse and postponement policy of the court, and the number of exemptions allowed by the statutes. The standard used in this manual for the overall yield set is 40 percent—a value demonstrated to be realistic in many well-managed courts.

## Yield Analysis

Analysis of the yield and nonyield (i.e., all those who do not serve: persons exempt, excused, disqualified, or postponed) requires the collection of data. Yield Computation Worksheets, such as those developed by the Office of State Courts Administrator, Tallahassee, Florida (see Figure 4-1), serve as a place to record exemptions, excuses, postponements, and disqualifications for several qualification and summoning periods. If qualification and summoning are done separately, both are used; otherwise, only the bottom summoning section is completed. The categories on these forms are defined as follows:

- *Number Qualification Questionnaires Sent*—The number of questionnaires sent in given period (annually, monthly, etc.).
- *No Response*—The number of questionnaires from which there is no response for those sent in the given period.
- *Undeliverable*—The number of questionnaires sent out that were returned by the post office.
- *Disqualified*—Those persons not allowed to serve by statute.
- *Exempt*—Those persons allowed by statute to be excused at their own request.
- *Excused*—Those persons permanently excused at the court's discretion. Excuse guidelines may be set by statute or court rule.
- *Number of Summonses Sent*—The total number of summons sent to prospective jurors.
- *Number Postponed or Deferred to this Period*—Persons previously summoned and postponed to serve during this data period.
- *Number Told Not to Report*—Those persons the court assumes were available and willing to serve but called off (instructed not to report) by the telephone call-in system.



- *Number Available to Report [A+B-C]*—Those persons expected to report for jury duty: the number of summonses sent plus the number postponed to this period minus the number told not to report.
- *No Response (No Show)*—Those persons not reporting as instructed.
- *Postponed or Deferred to Another Time*—Persons postponed at the court's discretion to a later data period.

Figure 4-1

**Example of a Completed Yield Computation Worksheet**

YIELD COMPUTATION WORKSHEETS

QUALIFICATION	Number	Percent	Number	Percent
A. Number Qualification Questionnaires Sent			40,000	100%
B. No Response	2,561	6		
C. Undeliverable	7,768	19		
D. Disqualified	8,080	20		
E. Exempt	3,320	11		
F. Excused	5,601	14		
G. Total Not Qualified (B+C+D+E+F)			27,330	68%
H. Total Qualified (A+G) (Qualification Yield)			12,670	32%

SUMMONING	DATE 2-18-79		DATE	DATE	DATE	DATE
A. NUMBER SUMMONS SENT	310					
B. NUMBER POSTPONED TO THIS PERIOD	20					
C. NUMBER TOLD NOT TO REPORT						
D. TOTAL NUMBER AVAILABLE [(A+B)-C]	NO.	%	NO.	%	NO.	%
E. NO RESPONSE (NO SHOW)	10	3%				
F. UNDELIVERABLE	14	4%				
G. DISQUALIFIED	10	3%				
H. EXEMPT	15	5%				
I. EXCUSED	31	10%				
J. POSTPONED TO ANOTHER TIME	25	8%				
K. TOTAL NUMBER NOT AVAILABLE TO SERVE (E+F+G+H+I+J)	105	33%				
L. TOTAL NUMBER SERVING (D-K); Summoning Yield	215	67%				

QUALIFICATION YIELD: \_\_\_\_\_% x SUMMONING YIELD: \_\_\_\_\_% x OVERALL YIELD: \_\_\_\_\_%

**Table 4-1**

**Factors Affecting Yield and Ways to Improve It**

Typical Value*	Categories	Factors Affecting Yield	Ways to Improve Yield
10%	Disqualifications	Population characteristics Source list quality Master or qualified list age Qualifications for source list	Improve list, use other lists Increase selection frequency, combine qualification and summoning**
5%	Class exceptions	Statutory exemptions Local exemptions	Eliminate exemptions**
35%	Excused	Court policy Term of service Statutory excuses	Develop standard policy** Reduce term** Limit to hardship excuses** Postpone instead of excuse
5%	Postponed	Court policy Term of service	Allow limited postponements** Reduce term of service**
10%	No response No show	Citizen concern	Provide public education** Enforce statutes** Follow-up**
10%	Undeliverable	List age and quality	Sample list frequently** Use first-class mail**
25%	Serving or available to serve	Standby call-in system	Better prediction of juror needs
100%	Total		

\* The percentage of these yield categories are considered to be typical of various courts throughout the country.

\*\* ABA Standards.

Once the yield has been calculated, the court can determine whether some action is necessary for its improvement. The principal factors (excluding weather and holiday or vacation periods) that affect the yield and possible ways to improve it (see Table 4-1) are discussed in the following sections.

The yield is a measure of the quality of the source list in that it measures the percentage of names drawn from the source lists that result in a person serving. The relationship between the yield and the list coverage (Element 2) should be monitored. For instance, if the coverage is increased and the yield decreases, then the gain as indicated by the increased coverage may not be real.

**Disqualifications**

Disqualifications usually amount to 10 percent of the names initially selected by the court for jury service. In many cases, courts can do nothing about the percentage of disqualifications requested because they reflect the characteristics of the population--i.e., age, felony convictions, citizenship, etc. Courts that grant a significant portion of the disqualifications for time-related reasons, such as length of residence, should examine the quality and frequency of update of the source, master, or qualified lists. Frequent selections from the

source lists and the combination of qualification with summoning can reduce time-related disqualifications and keep the qualified list from "aging."

A few courts perform criminal record searches on all prospective jurors, but the results are generally not worth the effort because out-of-state convictions are difficult to check, restoration of rights is usually not indicated, and persons usually do not desire to perjure themselves.

The qualifications for jury service are usually similar to the qualifications for voting. Therefore, the voters list has the fewest disqualified. As other lists are added, such as the list of licensed drivers, the percentage of disqualified jurors usually increases. This is offset by the advantage of greater coverage (inclusiveness) and improved representativeness.

### **Class Exemptions**

Although class exemptions usually make up only a very small portion (5 percent of those summoned), they represent an important segment of the population—usually professionals, tradesmen, and clergy. Class exemptions may have been necessary at one time when there was only one bridge tender or one physician available to serve a community, but short terms of service and the availability of several sources of professional services within the community make class or professional exemptions no longer necessary. The existence of a long list of exemptions (doctors, attorneys, etc.) reduces the credibility of a jury summons. Citizens rightly ask, "Why me--or why not me?" Two-thirds of the states have eliminated all such exemptions from jury duty.

### **Excused**

The percentage of those excused ranges widely—from 10 percent to 40 percent with the typical value being 35 percent. Many of the excuses granted are based on valid claims of hardship by citizens; however, the need for granting various hardship excuses is being reduced as terms of service become shorter (see Element 6). In some courts, the principal problem of the excusal process is that there are different people within the court excusing jurors and applying different standards. The policy of the court should be available as a written document detailing excusal guidelines so that the function can be delegated to and exercised uniformly by all personnel. Such a policy should clearly state those conditions under which requests must be referred to a judge (see Figure 4-2).

Figure 4-2

## Juror Excusal Policy

**27 - A JUDICIAL DISTRICT  
JUROR EXCUSAL/DEFERMENT POLICY**

Jury duty is both a civic responsibility and an obligation from which no eligible citizen should be exempt.

The United States Supreme Court has held that a jury must be drawn from a representative cross-section of the community in order to guarantee a trial by an impartial jury. The exclusion of a substantial portion of the community from jury service through excuses seriously alters the representative and inclusive nature of a jury panel.

The court has adopted the following Jury Excusal and Deferral Policy to assure the granting of excuses will be uniform and protect the goal that jurors be selected from a fair cross-section of the community.

A written record will be noted on the Jury List for each person granted an excuse or deferred from jury service. The specific reason for the excuse is also to be noted.

All requests to be excused or deferred from jury service must be made either in writing (received on or before the Wednesday for jury excusing) or in person at 1:00 p.m., the Trial Court Administrator's Office on the Wednesday of the week prior to the date summoned for jury service. Requests to be excused from jury service will not be permitted over the telephone. Persons can request to have their jury service deferred over the telephone. Only the person summoned for jury service may make the request for excusal or deferral.

The Chief District Court Judge pursuant with N.C.G.S. 9-6 has designated the Trial Court Administrator to hear all applications for jury excuses.

Guidelines for Jury Excusing

1) **Physical or Mental Condition**

- A person who is so physically or mentally impaired as to be unable to receive and assess evidence and testimony and provides a written statement from a medical doctor attesting to the medical or mental condition can be excused. The person's mental and physical competency must be considered each time a person's name is summoned for jury duty (per Attorney General Opinion, 43 N.A.G. 292 (1973)). A person can not be permanently excused for his or her physical or mental condition, but must request to be excused each time they are summoned for jury service.
- If the physical or mental condition is readily apparent to a lay person from a visual inspection of the juror, the doctor's letter may not be necessary.
- Adjudged "non-compos mentis".
- A physically handicapped or disability alone is NOT an automatic basis for excusal from jury service.
- Should the physical or mental condition be temporary, the juror is to be deferred to a later date.

2) **Age**

- Jurors aged 65 and older may request their statutory exemption from jury service. An individual aged 65 or older is not automatically excused, but must request the exemption.
- Must be 18 years of age or older.

3) **Employment**

- Jurors may be excused from jury service if a severe economic hardship will result if either the employer does not pay for the time a juror serves on jury duty, or the juror is self-employed, as proved by documentation provided by the prospective juror.

4) **Religious Conviction**

- Jurors may not be excused or deferred based on any religious conviction or belief.

5) **Child Care/Eldercare**

- Jurors may be excused if a person has pre-school aged children, or parents for whom they are the sole caretaker and are not able to obtain someone else to take care of the child or adult. Verification should be required before an excusal is granted

6) **Education**

- Enrollment in any educational institution is not grounds for excusal. A person attending an educational institution will be deferred to a later date of their selection, usually during a school break.

7) **Criminal Convictions**

- A person who has been convicted of or plead nolo contendere to a felony and who has not had their citizenship rights restored, is not eligible to serve as a juror and is to be excused.

8) **Previously served as a juror within the last 2 years.**

9) **Not a United States Citizen**

10) **Not able to hear and understand the English language**

11) **Service would be contrary to the welfare, health and safety of the community.**

- A person who performs a critical public service, such as a law enforcement officer, may be excused in the exceptional case where the potential juror is able to demonstrate as proved by documentation from a supervisor attesting that jury service would cause a genuine personal hardship either to the individual requesting the excuse or to members of the public whom that individual serves. It is expected that most people performing essential public duties will not need to be excused, rather it be handled by scheduling the individual's jury service to a more convenient date.

Guidelines for Jury Deferral

Jurors may be deferred from jury service for **ONE TIME ONLY** for a period of up to nine (9) months. In such an instance, the person will be required to select a specific date when the individual will be able to serve. No further deferral will be granted.

27-A Rev. March 1993

## **Postponements**

Generally, courts allow postponement or deferral of jury duty on the basis of personal or financial considerations presented to them by the summoned juror. These considerations might include immediate business pressures, a planned business trip, vacation, seasonal business (as for construction workers or teachers), and a variety of family, health, and financial reasons. The underlying rationale for allowing postponements is to increase the number serving by giving citizens the opportunity to serve on jury duty at a later time, rather than simply excusing them if they cannot serve on the original summons date.

A typical postponement policy would delineate the following:

1. Record all postponements and excuses granted.
2. Postpone to a date or for a certain term.
3. Control the number of those postponed so that no more than 10 percent to 15 percent postponees are included in each term. A well-automated system can help control this.
4. Send a reminder (card or summons) if postponement is for an interval exceeding one month.
5. Reduce the number summoned in a term by the number postponed to that term in order to control the number of reporting jurors. Because postponed jurors are much more likely to serve than those receiving their initial summons (i.e., there is a higher yield of jurors), the reduction in the number summoned should be greater than that of the number postponed.
6. Limit postponements to one or two times per person. Again, good automation can monitor this function.

There are courts that do not allow postponements, either forcing the jurors to serve or excusing them from service. Courts not allowing postponements usually justify their position on the grounds of the increased paperwork necessary to include postponements in some future array and the difficulty in keeping track of these people or the fear that postponements will interfere with the randomness of the array. Neither of these so-called justifications need be a problem if the above recommendations are adopted. The goodwill among prospective jurors who wish to serve is certainly worth the court's effort of providing for their postponement.

## **No Response/No Show**

Usually, about 10 percent of those summoned for jury duty do not respond. In large urban jurisdictions, the nonresponse can be extremely large. Whether to take action is a common

concern among courts. Many courts either send follow-up notices by certified or first-class mail or do nothing. Courts that send out follow-up notices often find that most nonresponders are not recalcitrant citizens but rather those who have moved, become unavailable to serve, or didn't understand the summons.<sup>1</sup> Other courts periodically send the sheriff to bring a few nonresponders to court. The nonresponders are brought before a judge in the presence of representatives from the local press so that the event can be publicized to alert the public that the court will not tolerate nonresponse to a jury summons.

The simplest and most effective way to determine a policy toward nonresponders is to send a separate mailing to 200 nonresponders, carefully following each one, to learn why people are not responding. Once the reasons for nonresponse are discovered, the court can decide whether it is worth the time and cost to follow-up or prosecute each one, or take no action at all. If these "second notices" are effective, they can be automatically generated by the computer, with the second notice summons carrying a message that the person should contact the court.

### **Undeliverables**

The number of undeliverable jury notices may be influenced greatly by the quality and age of the source lists from which the selection is made and the type of mail used. To minimize the number of undeliverables, the court should use a combined qualification and summoning process and make selections from an updated source list as often as it is practicable. The undeliverables will increase the longer the source list is used. An increase of 5 percent per year is typical.

The National Change of Address service (NCOA), offered by many firms who assist businesses in mail order or catalog operations, can reduce the number of undeliverables. These firms have access to the change-of-address data from the U.S. Postal Service (USPS). They can provide the following services: check for changes of address on a list of names (tape or diskette), add the nine-digit zipcode so to reduce the court's postage rates, and properly format the addresses with the USPS bar codes.

### **Time Variation of Yield**

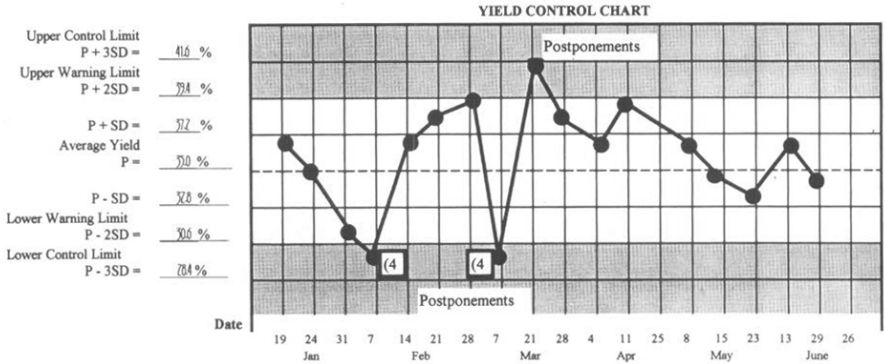
Section 2.4.2 of *A Guide to Jury System Management* contains a description of the use of the Yield Control Chart (see Figure 4-3). The chart gives the yield for each summoning

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<sup>1</sup> Erroll E. Giddings, "Colorado Jury System Failure to Appear Notices," a report written for phase III of the Court Executive Development Program of the Institute for Court Management, Williamsburg, Virginia (1993).

Figure 4-3

### Example of Completed Yield Control Chart



period. The vertical scale is based upon the statistical expectation, such that points falling in the shaded areas are considered unlikely and are usually the result of a particular cause. This figure shows the yield and number of jurors serving for each week's term from January through June 1987. The number serving is the yield from calling 461 names from the master list plus a varying number of those postponed from previous periods. The average number of jurors serving was 161, but fell during three weeks to as low as 140 jurors, and on several weeks reached 180 jurors or higher. This chart also shows that most of the variation from 140 to 180 jurors is the result of chance fluctuations arising from the many and varying reasons why persons do not or cannot serve. This statistical fluctuation cannot be avoided.

A basic question that the chart raises, however, is why if in some weeks as few as 140 jurors are enough to provide juries for the court, in other weeks as many as 180 jurors are retained? The court should develop a procedure for excusing or postponing any excess number of jurors over the minimum number required. The average number of jurors serving is 161, whereas only 140 are needed. By holding the level of jurors to 140, the annual saving in this court which pays \$10/day in juror fees will amount to approximately \$42,000.

The chart also shows several points below and above the "warning limits," suggesting some assignable cause. Examination of the basic data discloses that the high points are associated with a large number of postponements, whereas the low numbers of jurors are associated with a small number of postponements. Sometimes there were as many as thirty-five postponements and sometimes as few as four. Association of the extreme points with

the number of postponements indicates that absence of control of the postponements is causing the wide fluctuations.

Other causes that have been recognized by courts are seasonal fluctuations, differences between persons or judges excusing jurors, and changes in delivery procedures unknown to court. When these can be taken into account, the court can then control the yield by varying the number summoned or by excusing or postponing persons.



*The purpose of this element is to provide essential information to prospective jurors, to make proper use of the time of court personnel, and to make jurors comfortable with their task.*

APPLICABLE ABA STANDARD

PART D. STANDARDS RELATING TO JUROR PERFORMANCE AND DELIBERATIONS

STANDARD 16: JUROR ORIENTATION AND INSTRUCTION

(a) COURTS SHOULD PROVIDE SOME FORM OF ORIENTATION OR INSTRUCTIONS TO PERSONS CALLED FOR JURY SERVICE:

(i) UPON INITIAL CONTACT PRIOR TO SERVICE;

(ii) UPON FIRST APPEARANCE AT THE COURTHOUSE;

(iii) UPON REPORTING TO A COURTHOUSE FOR VOIR DIRE;

(iv) DIRECTLY FOLLOWING IMPANELMENT;

(v) DURING THE TRIAL;

(vi) PRIOR TO DELIBERATIONS; AND

(vii) AFTER THE VERDICT HAS BEEN RENDERED OR WHEN A PROCEEDING IS TERMINATED WITHOUT A VERDICT.

(b) ORIENTATION PROGRAMS SHOULD BE

(i) DESIGNED TO INCREASE PROSPECTIVE JURORS' UNDERSTAND-

ING OF THE JUDICIAL SYSTEM AND PREPARE THEM TO SERVE COMPETENTLY AS JURORS.

- (ii) PRESENTED IN A UNIFORM AND EFFICIENT MANNER USING A COMBINATION OF WRITTEN, ORAL AND AUDIOVISUAL MATERIALS.

(c) THE TRIAL JUDGE SHOULD

- (i) GIVE PRELIMINARY INSTRUCTIONS DIRECTLY FOLLOWING IMPANELMENT OF THE JURY THAT EXPLAIN THE JURY'S ROLE, THE TRIAL PROCEDURES INCLUDING NOTE-TAKING AND QUESTIONING BY JURORS, THE NATURE OF EVIDENCE AND ITS EVALUATION, THE ISSUES TO BE ADDRESSED, AND THE BASIC RELEVANT LEGAL PRINCIPLES.

- (ii) PRIOR TO THE COMMENCEMENT OF DELIBERATIONS, INSTRUCT THE JURY ON THE LAW, ON THE APPROPRIATE PROCEDURES TO BE FOLLOWED DURING DELIBERATIONS, AND ON THE APPROPRIATE METHOD FOR REPORTING THE RESULTS OF ITS DELIBERATIONS. SUCH INSTRUCTIONS SHOULD BE RECORDED OR REDUCED TO WRITING AND MADE AVAILABLE TO THE JURORS DURING DELIBERATIONS.

- (iii) PREPARE AND DELIVER INSTRUCTIONS WHICH ARE READILY UNDERSTOOD BY INDIVIDUALS UNFAMILIAR WITH THE LEGAL SYSTEM.

(d) BEFORE DISMISSING A JURY AT THE CONCLUSION OF A CASE, THE TRIAL JUDGE SHOULD

- (i) RELEASE THE JURORS FROM THEIR DUTY OF CONFIDENTIALITY;
- (ii) EXPLAIN THEIR RIGHTS REGARDING INQUIRIES FROM COUNSEL OR THE PRESS; AND

- (iii) EITHER ADVISE THEM THAT THEY ARE DISCHARGED FROM SERVICE OR SPECIFY WHERE THEY MUST REPORT.

THE JUDGE SHOULD EXPRESS APPRECIATION TO THE JURORS FOR THEIR SERVICE, BUT THE JUDGE SHOULD NOT EXPRESS APPROVAL OR DISAPPROVAL OF THE RESULT OF THE DELIBERATION.

- (e) ALL COMMUNICATIONS BETWEEN THE JUDGE AND MEMBERS OF THE JURY PANEL FROM THE TIME OF REPORTING TO THE COURTROOM FOR VOIR DIRE UNTIL DISMISSAL SHOULD BE IN WRITING OR ON THE RECORD IN OPEN COURT. COUNSEL FOR EACH PARTY SHOULD BE INFORMED OF SUCH COMMUNICATION AND GIVEN THE OPPORTUNITY TO BE HEARD.

Orientation of citizens for their temporary role as jurors includes the entire stream of information they are provided as itemized in Standard 16(a), stretching from initial contact to completion of service. With the first contact with the court, either through a qualification questionnaire or a summons for jury duty, the prospective juror is introduced to jury service. In fact, these should be considered an "invitation to serve." If accepted, the invitation is followed by an instruction sheet; a juror handbook; an in-court introduction to jury duty by the judge, clerk, or court executive; an audiovisual presentation; instructions in each courtroom; and sometimes an exit interview. All of these contribute to jurors' understanding and appreciation of their role as a juror.

Because different people come equipped with different understandings of court processes, especially now that professionals of all types are serving as jurors, the orientation process faces the difficult task of conveying a common level of information to all segments of the population. The in-court information must be presented so that it does not require days of court time for training; instead, it should be considered such a minor link in the flow of information that it could be accomplished in an hour or less on a day that a citizen is expected to serve as a juror.

Because many courts have developed good practices in providing juror information, a review of their experience can help other courts to make their juror orientation more complete, professional, and efficient.

## Information Sources

Instructional materials for jurors include the following:

- *Qualification Questionnaire*—informs prospective jurors that they are being considered and whether or not they are exempt or excluded from service.
- *Summons*—informs where and when to report for jury service.
- *Information Sheet* (may be a part of the summons)—instructs how to get to the courthouse and the facilities available.
- *Juror Handbook*—describes how the jury system operates and answers frequently asked questions, including how trials are conducted and the role jurors play in them.
- *Welcome*—usually given by a judge or jury administrator to welcome jurors to jury duty and describe their intended service to the court.
- *Audiovisual Orientation Presentation*—either slides, films, or videotapes to inform jurors of court procedures, trial activities, and their role as a juror.
- *Courtroom Instructions*—given throughout the trial relating specific information about to the case being heard.
- *Exit Interviews*—a judge answers any questions jurors may have had about procedures and receives comments on jurors' experience at the end of the term of service.

Not all courts use these sources of information, nor do all courts use them in the same way. In fact, these sources vary so much from court to court that it is worthwhile to formulate what the purposes are of each source and how they can be best accomplished.

### Qualification Questionnaire

Jurors learn through the qualification questionnaire and the summons, if a one-step process is being used, that they are being considered for jury duty and that they may be exempt, excluded, or excused under certain conditions. Some qualification questionnaires have a few questions directed at ascertaining age, address, residence, and occupation; others have many questions, that are statutorily required.

The questionnaire may not be viewed by citizens with the same authority as the summons because the penalties for not responding to a questionnaire are less severe than those for not responding to a summons. The great variation in the percentage of nonresponses to qualification questionnaires among jurisdictions suggests that this is an important difference.

Because both the qualification questionnaire and the summons provide similar information to prospective jurors, this again suggests the efficiency of a combined qualification and summoning process, as discussed under Element 3.

## **Summons**

The modern summons is a small computerized or rapidly prepared form sent by first-class mail to citizens selected for jury duty. The summons always tells the prospective juror when to come to court and where the court is, but some courts give additional information such as

- Where to report
- When to report
- How to use the call-in system
- How to request excuses
- List of possible excuses
- Penalties for not reporting
- Term of jury service
- Jury fee to be paid
- Parking facilities

When important information, such as the term of service, is unknown by the prospective juror, reticence and apprehension can be expected.

## **Information Sheet**

In courts where information sheets are available to jurors, the options are to send it with the summons or to distribute it on the first day of service. Many information sheets are relatively short, but some approach a jury handbook in length (about ten pages). Included would be information such as

- Jury fees paid
- Term of service
- Emergency/illness instructions
- Court hours
- Location of courtroom, bus routes, etc.
- Dismissal policy
- First-day activities
- Explanation of court terms

## **Juror Handbooks**

Many courts provide handbooks to jurors on their first day of service. Sometimes, these handbooks cover the general material given on some information sheets and usually describe the voir dire, the trial, and the deliberation. Nearly all indicate the conduct expected of jurors. Some give a list of definitions for legal terms jurors may encounter while serving. Typical contents are

- Qualification and selection of persons as jurors
- Functions of judge and jury
- Case-filing procedures
- Description of voir dire
- Description of trial
- Necessity of juror waiting and isolation from public in jury pool
- List of legal definitions
- Desired conduct of jurors

The following is a list of some of the questions answered in juror handbooks used in Massachusetts.<sup>1</sup>

1. When and where must I report for juror service?
2. How do I get to the courthouse? Where will I park my car? Where will I eat lunch?
3. Whom should I notify in the event I cannot appear for jury service?
4. How long must I serve as a juror?
5. What will be my hours as a juror?
6. What should I wear?
7. I received a standby juror notice. What does it mean?
8. How do I find out if my juror service has been canceled or postponed in a snow emergency?
9. Will I be informed if a trial is going to be a long trial?
10. If I have a problem concerning my juror service, will I be given an opportunity to discuss it with a judge?
11. What happens if there is an emergency while I am serving on the jury?

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<sup>1</sup> The Massachusetts juror handbook weighs less than one oz. and is a self-mailer. The handbook, sent two weeks before the juror's reporting date, serves as a reminder, especially to those postponed because their date of appearance is given on the mailing label. Each Massachusetts court has its own version of this handbook, which includes the locations of the court, maps of how to get there, and the location of wheelchair-accessible entrances. Available from: Office of Jury Commissioner, 98 N. Washington Street, Boston, Massachusetts, 02114-9886.

12. Suppose there is an emergency at home while I am serving on the jury. How will my family contact me?
13. What do I do if I am not feeling well or have some personal problem while serving on a jury?
14. I work a night shift. What is considered to be my first day of juror service?
15. Will my employer pay me while I am serving on a jury?
16. My employer requires proof of my term of juror service in order to pay me for my first three days, or part thereof. Will I receive any documentation proving that I actually appeared at a courthouse and served as juror?
17. What if an employer cannot afford to pay an employee for juror service?
18. I am self-employed. Who will pay me for juror service?
19. I am a homemaker. Who will pay me for juror service? Who will pay a student, retired, or unemployed person?
20. How do I claim reimbursement? When will I receive payment?
21. If I am being paid by my employer or the state for juror service, am I entitled to be reimbursed for travel?
22. Will I have to wait for long periods in the juror assembly room?
23. What is the likelihood that I will actually be impaneled on a jury?
24. How was I selected for juror service?
25. Are many people excused from serving on a jury?
26. Why is a jury required? Why does the court need juries to decide cases?
27. What is a court?
28. What is a criminal case?
29. What is a civil case?
30. How does the court resolve cases?
31. What does the jury do in resolving cases?
32. What does the judge do in the trial?
33. What do the lawyers do in the trial?
34. What is evidence?
35. What is meant by a jury's taking a view?
36. What are jury deliberations?
37. What is meant by the rule that a case must be decided solely on the evidence?
38. How is the foreperson of the jury selected? What does the foreperson do?
39. What is a verdict?

40. What is the size of a jury?
41. In order to reach a verdict, what consensus must be reached?
42. How should I act during deliberations?
43. Being a juror is very difficult. What if I am not smart enough to be a good juror?
44. Suppose there is a lawyer or other professional person on the jury with me. Should I agree with whatever the person says?
45. What are the most important qualifications of a juror?
46. Before I am selected for a particular jury, will I be asked questions?
47. What is a challenge for cause?
48. What is a peremptory challenge?
49. May I take notes during the trial?
50. How should I act as a juror outside the courtroom? May I discuss an ongoing case with anyone?
51. When the case is completed, will I be subject to questioning about my work as a juror?
52. Why do judges allow cases to be settled after they have begun? Doesn't this cause much jurors' time to be wasted?
53. Will I learn anything as a result of being a juror?

Many of these questions were initially raised by jurors in the Juror Exit Questionnaire (see Element 12). As additional unanswered questions are raised, they are added to or consolidated with the juror handbook list.

### **Orientation Lectures and Check-in**

Jurors undergo some type of check-in procedure and orientation presentation. The most rapid procedure is for jurors to hand in their summonses, which are later checked against the list of expected jurors, or jurors could simply check-in with the jury clerk. Many well-automated jury systems use a bar code on the summons to record the juror's attendance rapidly. This can eliminate lines of persons checking in and permit the jury staff to spend time with persons who have problems. The slowest and least professional method of check-in is a roll call. While some retain this custom due to a statutory requirement, the intent of ascertaining those present and making the results public to avoid question can be accomplished quickly and with greater privacy and respect to the citizens by a simple check-in procedure. Daily roll calls likewise appear to be juvenile, as reported by those who have served.



A combined welcoming and orientation presentation is usually given by a judge to prospective jurors when they first report for service. The judge is often assigned on a rotational basis in a large court, but sometimes a volunteer is used. In some courts, the clerk, court administrator, or the jury clerk gives the orientation lecture. Unfortunately, the content of the orientation usually depends on the person giving the talk and the amount of time available. It can be lengthy or brief, comprehensive or sketchy, administrative or legal, informative or abstract.

No attempt has been made to codify the many juror orientation speeches used in courts. The most successful seem to be judges' speeches, which warmly welcome jurors, explain the importance of jury duty, explain the nature of the trial process without attempting to demonstrate legal sophistication, indicate the uncertainties inherent in trial processes that cause periods of waiting, and avoid reiterating what is contained in the information sheets or in the audiovisual presentation. Successful orientations seem to be simple and easily comprehended, and they relieve many jurors' anxieties, which might interfere with their responsibilities.

The least successful orientation lectures seem to be those where the speaker is legalistic, gets involved in concepts of justice, answers questions in a demeaning manner, threatens or intimidates jurors who wish to be excused, or appears to believe that all jurors wish to avoid service. Sometimes, hundreds of people will be kept waiting while the judge is hearing the excuses of a few. Frequently, the pretrial instructions that are properly given to the panel before each trial will be excruciatingly included in the orientation long before any of the prospective jurors know the significance of the trial events. Those who present these talks might profit by reviewing the juror comments on the exit questionnaires and recall that the orientation is but one part of the overall orientation and instructions process.

### **Audiovisual Presentations**

The audiovisual presentation informs jurors about their duties and responsibilities, describes the activities in the courtroom, and relieves the anxiety associated with any new and serious undertaking. The presentation should include simple explanations, such as the distinction between civil and criminal trials, the function of courtroom participants, and an introduction to the conduct of voir dire, trial, and deliberation. While some films are used for these orientation presentations, most courts use a videotape format.

With audiovisual equipment becoming less expensive, many organizations have developed the capability to produce high-quality, professional productions. These organizations, including university and college departments, court educational institutes, state

educational services, public broadcasting stations, and commercial facilities, have assisted in making juror orientation presentations. The public expects a high level of professionalism in these presentations. Some courts have enlisted the help of local news announcers, thus providing a recognizable voice and a skillful presenter.

Preparing the script, preparing the shooting directions, obtaining the proper licenses for any music used, and properly recognizing the actors in the video are tasks that are often best left to professionals.<sup>2</sup>

### **Orientation via Cable Television**

A number of courts provide the orientation for jurors on a community cable channel. The summons gives the time and channel where it can be seen. These presentations provide information as in the usual orientation and can specifically stress prereporting information, such as the court location, schedule, parking, and the procedures for requesting an excuse or postponement.<sup>3</sup>

### **Courtroom Instructions**

The courtroom is the place where jurors actually experience the legal process and receive the juror oath, specific jury instructions, juror conduct rules, the method of selecting the foreman, and rules for deliberation room conduct. Any of these practices, which vary from court to court, from judge to judge, or from case to case, should be covered in the courtroom rather than in the orientation. Standard 16(c)(i) mentions preliminary instructions being given to the jury following the impanelment. The more information the jury receives before and during the presentation of evidence, the better able they are to evaluate that evidence.

Standard 16(c)(ii) includes the desirability of giving the jury copies of the instructions as the instructions are read or a recorded tape prepared by the judge. This improves comprehension, and there are fewer questions during the deliberations.

### **Exit Interviews**

In addition to using an exit questionnaire (see Element 12), many courts also have a judge meet with the jurors at the end of their term to thank them for their service and to answer any questions that may have arisen during the term. Such a session provides information to

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<sup>2</sup> The National Center for State Courts maintains a collection of juror orientation videotapes in their library at the headquarters in Williamsburg, Virginia. A video on making a video presentation is also available. These videotapes are cataloged and summarized, and these notes are also available from the National Center. The National Center's library can be reached at (757) 253-2000.

<sup>3</sup> Examples of these presentations are also available from the National Center for State Courts.

the jurors and supplies useful feedback to the judge and jury clerks as to those questions needing clarification. Juror response to this type of "personal touch" is very favorable and results in a positive attitude toward jury service. With proper admonitions, these sessions avoid problem areas, which could jeopardize the verdict.

Some courts also give certificates of service or a note of appreciation to jurors. These certificates are well received in some courts, but how they are used later and whether they serve the intended purpose of creating a good feeling for the court is unknown. The certificate is not a sure way to overcome other deficiencies of jury service.

### **Summary**

Informing jurors of what they need to know to perform their role effectively is a complex operation. First, the court must consider that in terms of education, age, and occupation, jurors are a most diverse social group; thus, orientation instructions must reach many levels. Second, information needed by jurors must be considered as an entity so that jurors receive the information they need when they need it. A review of the various forms used (e.g., summons, questionnaire, information sheet, and handbook) as to consistency, ease of understanding, and their relation to each other is essential. The information given should be accurate and not subject to confusing provisos.

*The purpose of this element is to increase the yield of prospective jurors and decrease the burden of jury duty on the citizens and their employers.*

APPLICABLE ABA STANDARD

STANDARD 5: TERM OF AND AVAILABILITY FOR JURY SERVICE

THE TIME THAT PERSONS ARE CALLED UPON TO PERFORM JURY SERVICE AND TO BE AVAILABLE THEREFORE, SHOULD BE THE SHORTEST PERIOD CONSISTENT WITH THE NEEDS OF JUSTICE.

- (a) TERM OF SERVICE OF ONE DAY OR THE COMPLETION OF ONE TRIAL, WHICHEVER IS LONGER, IS RECOMMENDED. HOWEVER, A TERM OF ONE WEEK OR THE COMPLETION OF ONE TRIAL, WHICHEVER IS LONGER, IS ACCEPTABLE.
  
- (b) PERSONS SHOULD NOT BE REQUIRED TO MAINTAIN A STATUS OF AVAILABILITY FOR JURY SERVICE FOR LONGER THAN TWO WEEKS EXCEPT IN AREAS WITH FEW JURY TRIALS WHEN IT MAY BE APPROPRIATE FOR PERSONS TO BE AVAILABLE FOR SERVICE OVER A LONGER PERIOD OF TIME.

The aspect of the jury system that has the greatest effect on jury management and the citizenry is the length of the term of service.<sup>1</sup> From a management point of view, the length of the term determines the number of persons required to serve as jurors and the support necessary for system operation. The term may also influence the frequency of orientation,

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<sup>1</sup> Material in this element is extracted from G. Thomas Munsterman, *Reduced Terms of Jury Service in the Federal Courts* (Arlington, VA: National Center for State Courts, Center for Jury Studies, 1986).

the method of handling excuse requests, the summoning yield, and even the amount of jury lounge space required.

The one change in jury systems over the past twenty years that has had the greatest effect on the citizen has been the reduction in the length of time in which persons are asked to serve. As of 1995, over one-third of the U.S. population lives in jurisdictions, including rural and metropolitan courts, that use a term of service of one day/one trial.<sup>2</sup> From the court's point of view, a reduced term of service means more persons must be called, which increases administrative efforts. From the jurors' point of view, the length of the term determines the amount of hardship and is related to their willingness. Behind many complaints about jury duty, and many tactics to avoid serving, is the problem of the length of time required away from one's work and the potential loss of income. Praise for reduced terms comes from employers as well as jurors and courts.

The reason for existing jury terms warrants some consideration. The definition of the term of jury duty was, and is, in some courts synonymous with the calendar term. That is, cases are scheduled for trial during a period ("the term") with the anticipation that all of the cases will be heard during that period. A panel, or venire, of prospective jurors will be available to serve as trial jurors for all cases in that term. In smaller courts, all cases set for a term of several months are completed in the first several weeks, and the jurors are excused from further service. However, as courts schedule more cases over the calendar term, it becomes a greater hardship to ask the same persons to serve repeated times. Often, a larger panel of prospective jurors would be needed for a case late in the term because so many individuals would be excused as jurors due to their participation in previous trials or for personal reasons. Therefore, courts decided to reduce the term of service within the calendar term. More precisely, they divided the venire into panels, who would then be called to serve for shorter periods within the longer calendar term. As court scheduling or calendaring methods changed into continuous calendars, the jury term was often untouched. The recognition of the freedom between the calendar and the jury term and the desire to reduce the burden on the individual provided the incentive to courts to restructure and reduce the term of jury service.

The purpose of a short term of jury service is to reduce the personal and financial burden upon those serving, as well as upon their employers, and to permit persons to serve

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<sup>2</sup> A term of one day/one trial is statutory in Colorado, Connecticut, Florida, and Massachusetts and is used in many of the courts of Arizona, Michigan, New York, North Carolina, Pennsylvania, and Texas.

who would otherwise be excused for personal or community hardship reasons. This broader participation should result in a better cross-section of the public serving on jury duty and will distribute the burden, as well as the positive educational aspects of jury service, more equitably across the eligible population.

By itself, one day/one trial, or a reduced term of service, does not save a penny for any court, but instead could be very costly if the system is not properly managed. Management is vital in the following five areas:

- Computerized selection
- Accurate prediction
- Telephone call-in
- Rapid orientation
- Reuse of each prospective juror

### **Measurement of Terms of Jury Service**

In the discussion of the length of time involved in jury service, many terms or parameters are used. Definitions of these terms are necessary to examine the many variations in the length of actual jury service. These definitions also help to clarify the anticipated burden upon those citizens called to serve.

The first definition needed is the *period of availability*. This is the period over which the courts request that the person be available to report to the courthouse and is loosely called the term of service. *Actual service* days refers to the number of days a juror actually reports to the courthouse during one availability period. The actual days of a person's service can be broken down into days reporting as a sworn juror for a particular case (*carryover days*) or the days reporting to the courthouse in anticipation of the selection of a jury (*voir dire days*). From an administrative standpoint, voir dire days are of greater concern than the carryover days, for the former are the days the jury manager must control. The number of actual days of service is seldom precise because it is dependent on the number of jury trials heard, the chance of a person being selected, and the length of the trial for a sworn juror.

Several other parameters used in discussion of terms of service include the following:

- *Number of Days on Call*: This could be the entire term an individual is requested to be available or the number of days on which the person is requested to call the court to determine the need to report. This is a misleading term without specific information on the jury system operations.

- *Number of Voir Dires Attended:* This is usually the same as the voir dire days if the individuals are always sent to a voir dire when they report. However, voir dires lasting several days and last-minute settlements or pleas can complicate this definition. The concept is the number of days or times a person reports to the courthouse in expectation of a voir dire.
- *Number of Trials Attended:* This refers to the number of juries to which a person is selected over the term of availability. In a one-day/one-trial court persons are dismissed after serving as a sworn juror. Dismissal after one trial has several advantages regardless of the number of days a person reports for jury service.

Some judges will not debrief or have an exit interview with jurors because those jurors may serve on another jury. With a one-trial policy, this issue is moot, and all jurors can participate in exit interviews. Persons who have served on a jury can carry over portions of the judge's instructions to subsequent cases. Persons who return to the assembly room to await other selections can discuss their prior experience, which could be prejudicial in other trials. These situations are eliminated under a one-trial policy.

Using these terms, it is possible to define either the expected experience of a person's jury service or the actual experience of jury service. For instance, *one day/one trial*, or *one trial/one day*, requires persons to serve for only one trial if they are selected as a sworn juror. If not selected, they serve for only one day. It does not refer to the period of availability.<sup>3</sup> Some courts, preferring to stress the one-trial aspect, call it *one trial/one day* and define it thus: "When selected as a juror, you serve for the duration of the trial; but if not selected, your service is only for one day." This change in emphasis was made because some jurors thought their service was completed the first day, even though the trial on which they were serving was not yet concluded.

In implementing a one-day/one-trial term of jury service, it is often necessary to consider conditions that courts may believe violate the one-day/one-trial concept. These include:

- *On-Call System:* Hundreds of courts throughout the country ask jurors to call the court the day before their scheduled service date to learn if they will be needed. When a person has reserved this time, subject to a last-minute

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<sup>3</sup> In Harris County (Houston), Texas, which is credited with originating "one day/one trial" in 1971, a person's term is further limited to participation in only one voir dire. This term could be called "one voir dire/one day/one trial."

change, but is not needed, does this constitute service and fulfill the one-day obligation? Putting prospective jurors on call for several days is common when one day/one trial applies to actual presence in the courthouse. The *Standards Relating to Juror Use and Management* recommends that prospective jurors remain on call for no more than two weeks. When Kansas adopted these standards, the practice of rescheduling appearance dates numerous times was a great source of citizens' complaints, particularly in rural areas where the time between trials is several weeks. Court officials limited the number of times a court could reset a juror's appearance date to three to reduce the burden on the juror.

- *Limited-Use Days*: In many courts, it is quite unlikely that trials will begin on certain days, such as Fridays or the days before holidays. Even placing people on call for these days is a waste of the courts' and citizens' time. Under one day/one trial, however, asking people to report again the next day is an easy solution, used successfully by many courts. For instance, some of Thursday's prospective jurors are asked to report on Friday because the court knows that a jury will be selected on Friday.
- *Extended Voir Dire*: Under a one-day/one-trial term of service, when voir dire extends beyond the first day of a person's service, courts usually ask prospective jurors to return the second day rather than begin with new prospective jurors. Nonetheless, having a new panel the next day can be beneficial, especially for notorious cases in which it is difficult to predict the number of persons who will be excused for hardship reasons or challenged for cause. In these cases, the availability of more prospective jurors, subject to call, is advantageous.

## **Advantages and Disadvantages of Reduced Terms of Jury Service**

Reducing the term of jury service, in either actual days of service or availability, has many advantages and disadvantages.

### **Advantages of Shorter Terms**

- *Broader Participation*: Even though shorter terms of service call for the same total number of jurors as longer terms, more persons will be called to serve for



- fewer days on the average. With more people serving, the usually positive experience of jury duty is distributed across a greater portion of the population.
- *Fewer Excuses:* Many persons are excused from serving on jury duty because of the hardship of serving, upon either themselves or their employers. The number of excuses requested can be reduced when terms of service are reduced. In addition, persons excused because of community hardship, such as doctors or lawyers, should be able to serve.
  - *Reduced Financial Loss:* For those individuals serving who are not being paid a salary, their financial loss is equal to the daily loss times the number of days served. By reducing the number of days served, the individual loss is reduced. Likewise, for employed jurors whose salaries are continued during service, the loss to employers is reduced.
  - *More Certainty:* The uncertainty of having to be available over a long period of time, yet not knowing when or if reporting to the court will again be required, is reduced when the actual service or the period of availability is reduced and well defined to the juror.
  - *Reduced Availability Monitoring:* In courts with long terms of availability, it is common to maintain records of when certain prospective jurors will not be available due to travel, medical problems, business, or personal reasons. These records can become complex and are even automated in some courts. Because many persons may not be available at certain times during a term, the courts must have available a greater number of people than under a shorter term. Under short terms, if that period of time is inconvenient, persons are simply postponed to a new term. If the postponement is for a short period, a new summons may not be needed.
  - *Reduced Waiting:* Despite the best efforts of jury managers, there will be some unavoidable waiting for the prospective jurors; waiting is associated with juror dissatisfaction. With reduced terms of service, this waiting experienced by each person will be reduced.
  - *Juror Voting Records:* In some courts, attorneys or even private firms maintain records of a juror's performance in other trials. This enables the attorneys to use their peremptory challenges to exclude those considered to be conviction-prone, acquittal-prone, too generous, or too stingy. With short

terms of service, these repetitive selections simply do not exist, making this activity a moot point.

### Disadvantages of Shorter Terms

- *More People Are Needed:* The administrative effort to qualify and summon more people represents the greatest disadvantage in terms of real cost and is often the major obstacle to a reduced term of jury service. Unless the increase in these administrative efforts can be offset by improved juror use or by an increase in the yield due to fewer excuses, this increase in the number of persons needed can be prohibitive. This increased administrative effort may be offset by improved automation support of the qualification and summing process or by the reduced need for monitoring the availability of jurors.
- *Frequent Orientation:* With new groups of prospective jurors reporting more frequently, the number of orientation activities increases. In courts where orientation is a long ceremony, such an increase can be a problem. However, most courts now have the orientation streamlined to an hour or less on the first morning persons report for voir dire.
- *Seasoned Jurors:* Some people believe that jurors become more conviction-prone after sitting on many cases, and others suggest that jurors with prior experience deliberate more quickly. There is also a desire by many attorneys and judges to have "fresh" jurors who are less likely to be confused by prior instructions or witness testimony. The only empirical evidence on the effect of prior jury experience on verdicts is based on data from a single court and indicates that verdicts are affected only when a majority of the jury has prior criminal trial experience.<sup>4</sup> Data collected from several courts implementing a shortened term of service from several weeks to one trial/one day do not show any reduction in conviction rates.<sup>5</sup> Advocates of short terms of service point out that if "seasoning" occurs with a person's experience as a sworn juror, then to ensure consistency in verdicts, persons should only be required to sit as jurors in one case and then be dismissed from service.
- *Poor Administration/Reduced Participation:* One disadvantage of short terms of service is that the probability that a person will participate in a voir dire or

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<sup>4</sup> R. C. Dillehay and M. T. Nietzel, "Juror Experience and Jury Verdicts," *Law and Human Behavior*, 9 (1985), p. 179.

<sup>5</sup> *Center for Jury Studies Newsletter*, 3:3 (1981), 2-4, and 4:5 (1982), 5.

be selected as a juror is reduced. If the juror use is poor, this probability is further reduced.

- *Cheapens Jury Service:* Some feel that short terms of service, particularly one day/one trial, reduce the noble nature of the experience and diminish the importance of the task in the juror's eyes and that in calling more people to serve as jurors, the process becomes less dignified. Although this could occur, the experience with short terms of service does not support this concern. The change to a short term requires the court to carefully review its procedures because more new people are coming into the system. The result of this review often results in more concern for the individual and a better orientation. This concern of a less-dignified jury system should be kept in mind when courts reduce their term of jury service.

### **Results of the Adoption of One Day/One Trial**

One of the purposes of a shortened term of service is to permit persons to serve who would otherwise need to be excused for personal or community hardship reasons. This broader participation in the jury system should result in a better cross-section of the public serving on jury duty. To examine the effects of the change to a one-day/one-trial term of service, juror exit questionnaires were used in Bucks County, Pennsylvania, to show the differences in the occupational cross-section of jurors between the two-week term of service and the newly adopted one-day/one-trial term. Juror exit questionnaires from the first six months of 1981 were compared with those from the first six months of 1980. About 3,000 questionnaires were collected in 1981, while about 1,000 were available from the previous year, which reflected the higher number of jurors needed under the new system.

A major change between the years is the relative number of white- and blue-collar workers, the specific occupations reported on the forms being translated into these groups on the basis of the Bureau of Labor Statistics' classifications. Under the two-week term, blue-collar workers exceeded the white-collar workers by 9 percent. Under one day/one trial, with executives no longer requesting excuses as before, white-collar workers predominated 2.5:1, more in keeping with this suburban community's composition (see Table 6-1). The white-collar jurors included several judges, a well-known author, and the chairman of the county commissioners. Jury service by prominent citizens often has publicity value within a community, which greatly improves the public's image of the courts and increases the public's willingness to serve.

Table 6-1

## Juror Characteristics: Bucks County, Pennsylvania

<u>Occupation</u>	1980	1981
	<u>Two-Week Term</u>	<u>One Day/One Trial</u>
White collar	34%	51%
Blue collar	43	21
Housewife	14	18
Retired	5	5
Student	0	1
Unemployed and other	4	4
Lost income	30	22
Served before	12	8
Unfavorable reaction	33	15

The change in occupational status of the jurors is also reflected in the decrease among those who "lost income" under the shorter term. Most of the white-collar group are on paid jury leave during their service, while many blue-collar workers may be unprotected by union contract or company policy. This increase in white-collar jurors also contributed to a decline in the percentage of jurors that had served before. That category decreased from 12 percent to 8 percent. This figure is startling in another respect for it shows that only eight out of every one hundred adult citizens had ever served on a jury. The short term will bring many more people into the courts and will eventually raise the percentage of adults who have served.

The most complete evaluation to date of a reduced term of jury service was done by the federal court's Ninth Circuit.<sup>6</sup> They evaluated the change from a six-month term to one trial/one day in the Federal District Court, District of Nevada. The planned evaluation was to include the following items:

- *Direct Expenses*—juror fees, postage, printing, administrative costs
- *Indirect Costs*—cost to juror's employers, judicial waiting time
- *Administrative Efficiency*—yields, requests to be excused, juror use
- *Outcome of Trials*—deliberation time, verdicts, mistrials, hung juries
- *Juror Characteristics*—demographic comparisons, juror satisfaction

All of these could not be examined due to the difficulty of gathering data before the

<sup>6</sup> Office of the Circuit Executive, *Final Evaluation Report of the One Day/One Trial Jury Project* (San Francisco: Ninth Circuit Court of Appeals, 1986).

adoption of the one-trial/one-day term, particularly regarding jury demographics and excuse rates. A reorganization of the administrative jury functions made it difficult to assess the administrative effort. In addition, the number of trials was insufficient to permit statistically significant findings; however, none of the worst expectations were experienced. The following was reported:

- Average days per trial decreased, as did deliberation time
- The number of hung juries did not increase, nor did the number of mistrials
- Both civil and criminal verdicts were comparable
- Juror attitudes improved

Perhaps the best evaluation is that there is no desire by anyone to revert to a longer term of service.<sup>7</sup> In fact, of the hundreds of courts that have reduced their terms of service, none have gone back to longer terms.

### **Analysis of One-Day/One-Trial Requirements**

For most courts, adoption of a one-day/one-trial term of service will mean an increase in the number of citizens called to serve. Although this increase is advantageous to those serving because it improves their overall opportunity to serve on jury duty while decreasing their individual hardship, it is sometimes feared that it may increase the workload of administrators. However, as has been shown by recent conversions to a one-day/one-trial term, the costs of running a system with a one-day term can be restricted with advance planning and improved automation techniques for offsetting the increased mailing and forms costs (see Element 4).

### **Management of Reduced Terms of Service**

By itself, one day/one trial, or reduced terms of service, does not save a penny for any court, but could be very costly if not properly managed. Management is vital in the following three areas:

- Computerized selection of names from the source list and computerized summons preparation is a necessity because of the number of individuals involved.

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<sup>7</sup> Munsterman, *Reduced Term of Juror Service in the Federal Courts* (1986).

- Accurate prediction of the number of citizens needed each day is a necessity, otherwise there may be as many wasted jurors as under the old systems (see Element 7).
- Telephone call-in is usually needed (see Element 10).

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## Juror Utilization

*The purpose of this element is to provide the minimum sufficient number of jurors in an efficient manner to accommodate jury trial activity.*

### APPLICABLE ABA STANDARD

#### STANDARD 13: JUROR USE

- (a) COURTS SHOULD EMPLOY THE SERVICES OF PROSPECTIVE JURORS SO AS TO ACHIEVE OPTIMUM USE WITH A MINIMUM OF INCONVENIENCE TO JURORS.
- (b) COURTS SHOULD DETERMINE THE MINIMALLY SUFFICIENT NUMBER OF JURORS NEEDED TO ACCOMMODATE TRIAL ACTIVITY. THIS INFORMATION AND APPROPRIATE MANAGEMENT TECHNIQUES SHOULD BE USED TO ADJUST BOTH THE NUMBER OF INDIVIDUALS SUMMONED FOR JURY DUTY AND THE NUMBER ASSIGNED TO JURY PANELS.
- (c) COURTS SHOULD ENSURE THAT EACH PROSPECTIVE JUROR WHO HAS REPORTED TO THE COURTHOUSE IS ASSIGNED TO A COURTROOM FOR VOIR DIRE BEFORE ANY PROSPECTIVE JUROR IS ASSIGNED A SECOND TIME.
- (d) COURTS SHOULD COORDINATE JURY MANAGEMENT AND CALENDAR MANAGEMENT TO MAKE EFFECTIVE USE OF JURORS.

Improvement in juror utilization produces the greatest observable benefit to the citizen in terms of reducing waiting time and saving tax dollars. This improvement depends

on two basic factors: the ability of the court both to predict jury trial activity and to use those called in as many voir dices as possible.

Jury personnel always cite the prediction of trial activity as the greatest problem of jury management. The solution lies in increasing the prediction accuracy (see Element 9) and in using a call-in system at the point when the information about trial activity is most reliable (see Element 10). In some courts, this means a prior-evening call-in, while others use a morning call-in because only at that time do they have certainty of jury trial activity.

Accurate predictions and the scheduling of many jury selections on a given day increase the chance that a person called will serve on at least one voir dire (preferably several).

Good juror utilization practices have been summarized into seven rules.<sup>1</sup>

1. Adapt panel sizes to jurors needed.
2. Do not call panels prematurely or unnecessarily.
3. Make special arrangements for exceptionally large panels.
4. Stagger trial starts.
5. Maintain intensive operation when pool is used.
6. Do not overcall jurors to the pool.
7. Dismiss and excuse jurors whenever possible.

It is easier to spell out these rules than to implement them. This element will provide the means to determine the level of juror utilization achieved; examine alternative juror assignment and scheduling methods; and show how improvement in prediction and usage will result in a jury system that meets the program standards, maximizes the use of those called for duty, and follows the results of good juror utilization.

## Assignment Methods

The use of a pool of prospective jurors can be efficient in some courts and under certain situations, but a pool does not ensure efficiency. Other methods of dispatching or assigning prospective jurors to courtrooms can be equally as efficient. The many diverse assignment methods used in courts fall in three general categories (see Figure 7-1):

- *Multiple Voir Dire*—This method consists of a judge selecting several juries on a given day with all but one of the juries then called back to the court when the trials are to commence. The last jury selected proceeds directly into the trial.

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<sup>1</sup> As given in Section 3, *A Guide to Juror Usage*, and updated in *Center for Jury Studies Newsletter*, 1:3 (1979).

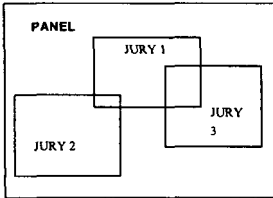


Reporting jurors participate in several voir dices, making for good juror usage. Some people may be selected to sit on several juries (see Figure 7-1). This technique is most applicable in small-to-medium-size courts where voir dices are not lengthy (less than one hour). This concept can be thought of as pooling within a single courtroom.

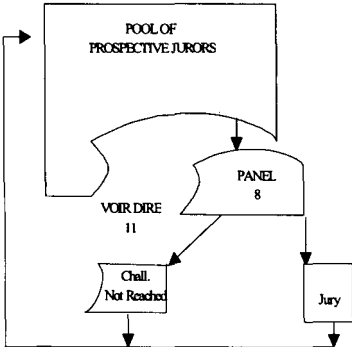
Figure 7-1

**Assignment Methods**

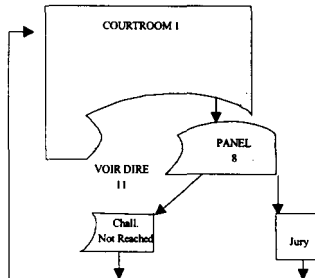
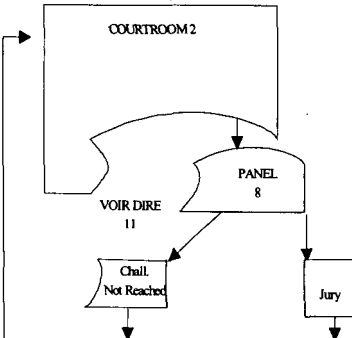
**Multiple Voir Dire**



**Jury Pool**



**Panel Per Judge**



- *Jury Pool*—This method involves sharing prospective jurors among several courts. Usually, the centrally assembled jurors are divided into panels for assignment to a court; the essential factor is sharing, not the existence of a pool or assembly room. Anytime a prospective juror appears for voir dire before more than one judge, pooling is being practiced. A second purpose of pooling is to share the risk that many cases will settle or plea. This implies that the number of prospective jurors brought in is less than the number required if all trials began. The use of a jury pool is most applicable in those courts in which the number of voir dire conducted on a single day is adequate to permit reuse or sharing (see Figure 7-1).
- *Panel Per Judge*—A panel or venire is summoned for each judge hearing jury trials during the term. Juries are selected, and the remainder of the panel is dismissed until needed again. Only one jury is picked on each reporting day, and prospective jurors are not shared among courts. This technique is advisable only when voir dire are extremely long and when multiple voir dire is not practical. It is the least efficient in terms of the citizens' time, court costs, and court personnel time (see Figure 7-1).

## Data Collection and Analysis

All of these systems of control of juror activity require the recording of experience through operating records--a practice called *experience retention* in industrial and commercial operations. The object of experience retention is not to accumulate records but to provide some assurance that the system is operating properly. Keeping records is a nuisance for everyone, for shopkeepers as well as for jury clerks, but without activity records there is no basis for managing change, and jury clerks will be forced to plod along in accustomed paths "because we have always done it that way."

Records, no matter how carefully kept and carefully analyzed, may only show a court that there is no better way of handling its jury operation; however, they also may suggest, on the basis of norms and comparisons with other courts, some good practices that the court can implement. The purpose of this element is to develop a system for keeping good operating records and for intelligently using them as a basis of action.

This will be done by examining the records from five courts diverse in size, assignment methods, and terms of service. A common set of analyses will be used to determine

corrective action for each of these courts. (Implementing these actions is the subject of Elements 9 through 11.)

## Operating Records

Jury-operating records should be kept for each day of jury activity, regardless of whether the court uses a common pool, calls panels for each judge (or for the only judge), or whether the court uses a single day of impanelment or multiple voir dire. The daily record, which is similar to daily journals used in accounting practices, keeps track of the major transactions that take place in operating a jury system.

### Daily Pool Status and Transactions

In courts where several voir dres or trials are in progress each court day, the Transaction Form (see Figure 7-2) provides a convenient way of tracking the jurors throughout the day. The status at morning start-up shows jurors reporting to pool (or to court), jurors on trials carried over from the previous day, and the sum of these (the number of jurors in service). The time and the type of each major transaction is then recorded. Major transactions include:

- *Jurors Reporting*—indicates prospective jurors showing up for service and not already assigned to a courtroom or serving as a juror.
- *Panels Sent*—indicates panel sent for voir dire. A convenient notation is that the daily panel number is composed of the first letter of the day of the week and the number of panels sent; i.e., the second panel sent on Tuesday would have a panel number of T-2. The case number could also be use if desired.
- *Jurors Returned from Courtroom*—this number may be tallied until the next panel call rather than logging each one as they return from voir dire (see Figure 7-2).
- *Dismissed*—excused for the day. Dismissals for lunch need not be recorded if the same number will return.

The daily summary at the bottom of the form is completed as follows:

- *Total in Service*—greatest number in "Total in Service" column.
- *Reporting to Pool*—sum of all jurors who report to the pool for possible juror selection. This is usually the "start-up" (first entry) unless other jurors are called in (standby panels) or some report later in the day.
- *Peak*—greatest number in "No. in Voir Dire and Trial" column.



Figure 7-3

Report of Jury Activity

REPORT OF JURY ACTIVITY													MONTH _____			
FOR THE COUNTY OF _____																
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)				
VOIR DIRE							CHALLENGE									
Total Jurors Paid Today	TOTAL JURORS BROUGHT TO COURT FOR VOIR DIRE	CASE NUMBER	TIME STARTED	TIME ENDED	LENGTH (MINS)	JURY SIZE	CAUSE	PEREMPTORY	NOT REACHED	TRIAL START DATE	TRIAL START TIME	TRIAL END DATE	TRIAL END TIME	TRIAL DAYS	COMMENTS	
10/1	38	38	CR80-304	11:35	12:00	25	12	3	8	13	10/1	1:00	10/1	5:00	1	
10/2	37	37	CR80-316	9:30	9:50	20	12	2	6	17	10/2	10:30	10/2	3:50	1	
10/8	38	38	CR80-1181	9:50	10:10	20	12	2	8	16	10/8	10:12	10/8	9:05	1	
10/9	37	37	CR80-422				0	0	0	37						ZERO DAY
10/14	28	28	CV79-544	9:35	9:45	10	8	2	4	14	10/14	10:05	10/14	3:55	1	
10/22	38	38	CR80-461	10:00	10:15	15	12	2	6	0	10/22	10:20	10/22	3:56	1	
10/23	12		CR80-454				12	2	8	0	10/23	10:25	10/23	2:45	1	
10/27	38	38	CR80-230	10:15	10:39	24	13	4	14	5	10/27	10:41	10/27	3:18	2	
10/28	13															
TOTAL	279	254					81		104							

*Juror Days Paid Per Trial (JDPT) - Column (2) Total, Number of Voir Dires Started.  
 People Brought In (PBI) - Column (3) Total, Number of Voir Dires Started.*

therefore, can be kept by the person responsible for the jury pool. (The efficiency of the voir dire as to the proper panel size will be examined under Element 8.)

Jury Activity in Nonpooling Courts

The reporting form shown in Figure 7-3 gives a month of jury activity in a one-judge court.<sup>2</sup> Information gathered on several other forms in pooling courts is concentrated on this single page. For those courts in which the jury activity is not complex, i.e., few simultaneous voir dires, and where one person can easily gather all the information, this form works well for providing the information needed for Elements 7 and 8.

In this court, of the 279 juror days paid, 254 were for the jurors brought in for selection of juries. For the month of October, a panel of 38 were available and with some variation all were brought in for each voir dire. Because all jurors went to the courtroom, it can be said that 100 percent attended voir dire. Only 81 jurors were selected of the 254 reporting (32 percent). With a panel of 38 and 81 jurors selected, it is expected that all persons served on two or more juries. On one day, October 9, all were brought in and the case folded, a "zero day."

The challenge information shows that 104 of the juror days were not actually needed. The excessive panel size and zero day cost this court more than \$3,000 at the fee of \$30 per day. The only time in which the entire panel were needed was on October 27 when two

Figure 7-4

**Juror Utilization Summary Sheet for Court A**

JUROR UTILIZATION SUMMARY SHEET									
Court		Month							
Court A		January 1978							
Day	Date	Total In Service (A)	Carryovers (B)	Reptg. to Pool* (C = A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dires Anticipated (F)	Peak (G)	Remarks
M	1/2	-	-	-	-	-	-	-	New Year's Day
T	1/2	76	0	76	52	2	6	52	
W	1/4	67	22	43	20	-	2	42	
Th	1/5	46	22	24	24	1	1	46	
F	1/6	-	-	-	-	-	-	-	
<b>Total</b>		<b>187</b>	<b>44</b>	<b>143</b>	<b>96</b>	<b>4</b>	<b>9</b>	<b>140</b>	
M	1/9	63	0	63	0	0	3	0	Zero Day
T	1/10	73	0	73	43	2	4	43	
W	1/11	4	13	31	20	1	2	33	
Th	1/12	84	9	75	23	1	4	32	
F	1/13	25	9	16	16	1	1	25	
<b>Total</b>		<b>289</b>	<b>31</b>	<b>258</b>	<b>102</b>	<b>5</b>	<b>14</b>	<b>133</b>	
M	1/16	-	-	-	-	-	-	-	
T	1/17	79	0	79	62	3	6	61	
W	1/18	81	39	42	42	2	3	81	
Th	1/19	44	0	44	74	3	3	44	
F	1/20	38	26	12	12	1	1	38	
<b>Total</b>		<b>242</b>	<b>65</b>	<b>177</b>	<b>190</b>	<b>9</b>	<b>13</b>	<b>244</b>	
M	1/23	72	0	72	68	3	6	66	
T	1/24	69	24	45	30	1	2	54	
W	1/25	70	23	47	30	1	3	53	
Th	1/26	-	-	-	-	-	-	-	
F	1/27	-	-	-	-	-	-	-	
<b>Total</b>		<b>211</b>	<b>47</b>	<b>164</b>	<b>128</b>	<b>5</b>	<b>11</b>	<b>173</b>	
M									
T									
W									
Th									
F									
<b>Total</b>									
<b>Monthly Total</b>		<b>929</b>	<b>187</b>	<b>742</b>	<b>516</b>	<b>23</b>	<b>47</b>	<b>670</b>	

\* Or to courtrooms if pool is not used - does not include carryovers  
 Juror Days Per Trial (JDPT) - Total In Service (A) - Voir Dires Begun (E) - 329/23 = 40  
 People Brought In (PBI - Reporting(C) + Voir Dires Begun(E) - 742/23 = 32  
 \* Total In Service (A) - the total number of jurors or prospective jurors reporting to the courthouse each day.  
 \* Carryovers (B) - trial jurors who are continuing in trials started on some previous day.  
 \* Reporting to Pool (C = A-B) - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.  
 \* Sent to Voir Dire (D) - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.  
 \* Voir Dires Begun (E) - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.  
 \* Peak (G) - Maximum number of persons needed in court that day including those on juries and voir dires.

juries were picked. For this large case, the court needed the larger panel due to the jury size and the number of peremptories allowed. The multiple voir dire, which occurred on October 22, shows the efficiency of this method (see Element 11) because 42 were used in voir dire and none could be classified as "not reached." The second jury heard a one-day case on the following day. If that jury had been selected on the second day, the cost would increase by 38-13, or twenty-five juror days (\$750).

## Juror Utilization Summary Sheet

The information from the summary at the bottom of the Daily Jury Transaction Form (Figure 7-2) can be transferred directly to the Juror Utilization Summary Sheet for Court A (see Figure 7-4). The Juror Utilization Summary Sheet can be used to calculate several measures of jury system efficiency. These measures are defined at the bottom of the sheet. Data from the sheet can also be used for diagnostic purposes to help guide improvement projects. In the following sections, the Summary Sheets from several courts will be used to examine the results of the jury system procedures used in those courts.<sup>3</sup>

## Comparison of Records with Element Standards

Once the records covering a period of about three months have been gathered, the court should calculate measures of juror utilization and compare them with the standards. The values based on the one month of data are shown in Table 7-1 based on the data from Figure 7-4. These values are computed for Court A, which will be the subject of a detailed example analysis.

## Juror Utilization Measures for Court A

Not meeting standards indicates a need for corrective action. Performance measure calculations (see Table 7-1) indicate that Court A is below the element standards in most categories. In the following case study of Court A, five analyses are presented, identifying areas of possible improvement.

## Case Studies

### Court A--Juror Pool

The general characteristics of this court are:

Court <u>A</u>	Trials/Year <u>180</u>
Setting <u>Urban</u>	Juror Days/Year <u>13,328</u>
Population (18+) <u>310,000</u>	Persons Serving/Year <u>5,330</u>
Judges <u>7 GJ, 3 Limited</u>	Term of Service <u>1 Week</u>
Voir Dire Length <u>1 Hour</u>	Fee <u>\$8/day, 8¢/mile</u>

<sup>3</sup> The Utilization Summary Sheet has been modified by the Florida Administrative Office of the Courts for use in nonpooling courts by making columns C, D, and E the jury size, peremptory challenges, and challenges for cause, thereby allowing the type of analysis given in the previous section ("Jury Activity in Nonpooling Courts").

**Table 7-1**  
**Juror Utilization Summary Sheet**

Measure	Standard		Calculation
a) Voir Dire Attendance/Reporting	100%		<u>70%</u>
b) Sworn Jurors	50%		<u>37%</u>
c) Overall	20%		<u>28%</u>
d) Panel Calls Per Day	3		<u>1.5</u>
e) Zero Panel Call Days	10%		<u>7%</u>
	<u>6-Member 12-Member</u>		
f) Juror Days Per Trial (JDPT)	24	40	40
g) Persons Brought In (PBI)	18	30	32

**CALCULATIONS**

Note: These calculations seldom require accuracy of greater than 1%.

e) Zero Days:

$$\frac{\text{Zero Voir Dire (Panel) Days}}{\text{Days Prospective Jurors Called In}} = \frac{1}{15} = 7\%$$

a) Voir Dire Attendance:

$$\frac{\text{Sent to Voir Dire Reporting to Pool}}{742} = \frac{516}{742} = 70\%$$

f) Juror Days Per Trial (JDPT):

$$\frac{\text{Total in Service}}{\text{Voir Dires Begun}} = \frac{929}{23} = 40$$

b) Trial Jurors:

$$\frac{\text{Number of Jurors Sworn Reporting to Pool}}{742} = \frac{(23 \times 12)}{742} = 37\%$$

The cost per trial is equal to the JDPT times the average fee. Neglecting mileage, the cost per trial for Court A is 40 x \$8 = \$320.

c) Overall:

$$\frac{(\text{Service} - \text{Peak})}{\text{Service}} = \frac{(929 - 670)}{742} = 28\%$$

g) Persons Brought In:

d) Panel Calls Per Day:

$$\frac{\text{Voir Dires Begun}}{\text{Days Prospective Jurors Brought In}} = \frac{23}{15} = 1.5$$

$$\frac{\text{Reporting to Pool}}{\text{Voir Dires Begun}} = \frac{742}{23} = 32$$

The cost to select a jury is equal to the PBI times the average fee. In Court A, this is 32 x \$8 = \$256.

The profile statistics show an annual jury days per trial (JDPT) of 59. That is well above the January value of 40 (see Table 7-1), raising the question of whether January is truly representative of the court's normal activity. An analysis of these parameters by month should be performed to determine the months of improved performance and then to determine the reason for this performance.

*Analysis 1—Weekly Voir Dire Pattern.* Court A conducted 67 voir dires over a thirteen-week period (see Table 7-2), which provides the best view of the daily pace of jury trial activity in the court.

Activity is seen to be light on all days, with Tuesdays having the greatest activity. More zero days (5/9) occur on Monday than on any other day. There were 10/48 or 21 percent zero days and only 7 of 48 days when the number of voir dire starts exceeded 2. Conditions in this court indicate that consolidation of trial starts should be considered and is feasible based on the voir dire length.



Table 7-2

**Number of Voir Dires Begun by Day**

Week Number	M	T	W	Th	F	Total
1	-	2	1	1	-	4
2	0	2	1	1	1	5
3	-	3	2	3	1	9
4	3	1	1	-	-	5
5	-	1	0	1	-	2
6	2	0	2	1	1	6
7	1	2	1	0	-	4
8	-	4	2	1	-	7
9	0	0	2	2	-	4
10	4	3	2	1	-	10
11	0	3	1	2	-	6
12	0	1	-	-	-	1
13	0	2	2	0	-	4
Total	10	24	17	13	3	67
Average	1.1	1.8	1.4	1.3	1.0	1.4
# of Days	9	13	12	11	3	48
# of Zero Days	5	2	1	2	0	10
# Days < 3	7	9	12	10	3	41

- = No jurors were called in for voir dires.  
0 = Jurors called in-none sent to voir dires.

*Analysis 2—Percent Used in Voir Dire.* The efficiency of juror utilization and the court's ability to predict juror needs is readily determined by examining the number of voir dires that each prospective juror attends each day. Utilization is considered efficient if each prospective juror is used at least once in trial or voir dire for each day reporting. Table 7-3 shows the percentage of the persons reporting to the courthouse for voir dire; some are sent to one voir dire and some to a second, such that percentages greater than 100 are possible.

Court A used everyone at least once in voir dire on only 16 of 48 days (33 percent, see Table 7-3). On no day of the week was the utilization consistently good, with the exception of Fridays when it appears that the court called in jurors only when they were certain that they were needed. In this court, not only is the activity sporadic, as previously shown, but the utilization of jurors is generally poor. During the month of data shown in the Daily Transaction Form (Figure 7-2), there were 742 jurors called into the pool (not including carryovers) while only 516 (70 percent) were sent to voir dire. This poor utilization indicates the need for developing a better prediction formula and again suggests that trial starts should be consolidated.

*Analysis 3—Percent Used as Sworn Jurors.* The percentage of those reporting who become sworn jurors can be determined exactly from the panel data sheet (to be described in

**Table 7-3**

**Voir Dire Attendance by Day (Percent)**

Week Number	M	T	W	Th	F
1	-	68	46	100	-
2	0	59	97	31	100
3	-	78	100	169	100
4	94	67	64	-	-
5	-	100	0	100	-
6	64	0	82	34	100
7	51	65	41	0	-
8	-	101	100	82	-
9	0	0	100	100	-
10	86	102	69	100	-
11	0	100	43	103	-
12	0	47	-	-	-
13	0	55	68	0	-
# Days of Weeks	9	13	12	11	3
Reuse \$100%	0	4	3	6	3

- = No jurors were called in for voir dire.  
 0 = Jurors called in--none sent to voir dire.

the next element) or it can be estimated from the number of juries selected and the average jury size. In Court A, the average jury size is 12. The 23 juries then represent 23 x 12, or 276 sworn jurors. This is 276/742 or 37 percent, below the element standard of 50 percent.

If the percentage of voir dire (Analysis 2) is low, the percentage becoming sworn jurors will also be low. The ratio of these percentages is approximately the ratio of panel size to jury size. For Court A, this ratio would be 70%) 37% = 1.9:1. The panel size is estimated to be about 23, which is near the actual value of 25.

In Court A, as in most courts, the panel size is standardized except when notorious or capital cases require a greater number of jurors.

*Analysis 4—Prediction of Trial Starts.* In Analysis 2, it was shown that only 70 percent of the persons called by Court A for use in voir dire each day were actually sent to voir dire. Another way of looking at this number is in terms of the court's expectations. The court called in the number of people they expected to send out but used only 70 percent. This point is reinforced by the tabulation of the number of voir dire starts (see Table 7-4). Of the 128 voir dire anticipated, only 67 (52 percent) actually started. The average number expected is 67/48 or 1.4 per day. The court must call in enough prospective jurors to meet the possibilities even though they are aware that, in the long run, only 70 percent of the prospective jurors will be used. Recognizing that the chances are slim that more than four voir dire will ever start, the court calls in enough prospective jurors for four starts or less based on the prediction.

Table 7-4

### Daily Prediction Analysis

Anticipated Voir Dires	Voir Dires Begun						Total	Total Anticipated
	0	1	2	3	4	5		
0								
1	6	6					12	12
2	1	6	4				11	22
3	3	5	4	2			14	42
4		1	4		1		6	24
5				1	1		2	10
6				1	2		3	18
Total Days	10	1 8	13	5	2		48	128
Actually Begun	0	1 8	26	15	8		67	
Prediction Rate = 67/128 = 52%								

*Analysis 5—Overcall.* The overcall for Court A was calculated to be 28 percent (see Table 7-1), somewhat above the standard of 20 percent. Generally, this would mean that the number called in could have been reduced by 28 percent and all demands for jurors could have been met. The variation in pool efficiency by day of the week, as given under *Analysis 2*, indicates that an across-the-board reduction could be disastrous. Because other changes are recommended, among these the concentration of trial starts, the number called in should be adjusted to these changes and after all changes have been made, the call should be reduced to the new peak demand levels.

*Statement of the Problem.* Based on five analyses presented, the problem of achieving good juror utilization in Court A may be stated as follows.

- The records of past activity do not show any consistent daily pattern that the court could use to determine a more accurate call-in.
- The prior day prediction information currently used provides a maximum call-in number but is too inaccurate to be used in determining a proper number of jurors to call in.
- The daily pattern shows such a low level of jury trial activity that with current calendaring practices, the utilization and pooling system in this court will be difficult to improve without some concentration of trial scheduling or improved prediction accuracy.

## **Court B--Multiple Voir Dire**

Because of low trial activity throughout the year, Court B, a single-judge court, has an intermittent trial schedule and uses multiple voir dire for selection of all juries. Jury trials are concentrated into special terms of court, as shown by the Jury Utilization Summary Sheet (Figure 7-5) from January, February, and June 1979. The multiple voir dire practice can be tracked through each day of court operation. For instance, people were summoned to court on January 8 in anticipation of starting four trials. There were four voir dire in which 124 people participated (nearly four times each), but only three trials started because one trial settled after jury selection. Each of the eight selection days can be described similarly detailing the concentration of voir dire starts. If only one trial had been set for each day, then at least 630 people (30 x 21 juries selected) would have been required rather than the 303 people actually reporting. In this court, multiple voir dire saves about 38 percent of the juror costs in comparison to scheduling single trial starts daily.

*Analysis 1—Weekly Voir Dire Pattern.* Because all juries are selected on one day of the week and this is the only day on which jurors are assembled for voir dire, the voir dire pattern is one of maximum concentration.

*Analysis 2—Percent Used in Voir Dire.* Among the eight Mondays, there were no zero days, and the only days on which 100 percent utilization was not exceeded were those where only one jury was selected. Of the 303 people reporting for service, 669 participated in voir dire or each person participated in nearly two voir dire per appearance (see Figure 7-5). This 220 percent utilization rate exceeds the element standard of 100 percent.

*Analysis 3—Percent Used as Jurors.* Both the percentage to voir dire and percentage of sworn jurors indicate excellent utilization. Of the 303 persons sent to voir dire, 144, or 48 percent, were selected on jury trials.

*Analysis 4—Prediction of Trial Starts.* Fourteen trials went to verdict, and all of the 21 anticipated juries were selected. Utilization was poor on those days when two trials were expected and only one started.

*Analysis 5—Overcall.* There were no overlapping voir dire as trial starts are sequential, and all prospective jurors were used at least once, thus negating overcall.

*Recommendation.* The cost to select a jury (PBI of 14 x the \$15 juror fee) is \$210, and the cost per trial (JDPT of 27 x \$15) is \$405. The only negative point affecting utilization is the number of cases (7 of 21) that settle after the jury is selected. This problem is observed in many courts and is not peculiar to the use of multiple voir dire.

Figure 7-5

**Juror Utilization Summary Sheet for Court B**

JUROR UTILIZATION SUMMARY SHEET											
Court		Court B						Month		Jan - June 1978	
Day	Date	Total in Service (A)	Carryovers (B)	Reporting to Pool* (C = A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dires Anticipated (F)	Peak (G)	Remarks		
M	1/8	37	0	37	124	4		34	1 Trial Settled Aft		
F		73	73	-					Jury Drawn		
W-M	1/22	30	0	30	30	1		30	1 Trial Settled Aft		
Tu-M	1/29	32	0	32	123	4		32	1 Trial Settled Aft		
F		36	36	-							
Jan Total		208	109	99	277	9		99			
M											
T	2/16	31	0	31	109	4		31	2 Trial Settled		
W		24	24	-							
Th											
F											
Feb Total		55	24	31	109	4		31			
M											
T	6/5	47	0	47	81	2		47			
W		48	48	-							
Th	6/12	47	0	47	81	2	3	47	1 Trial Settled		
F		24	24	-							
Total											
M	6/18	40	0	40	40	1		40			
T		12	12	-							
W-M	6/25	39	0	39	81	3	39		1 Trial Settled		
Th		48	48	-							
F											
June Total		305	132	173	283	8	173				
M											
T											
W											
Th											
F											
Total											
Monthly Total		568	265	303	669	21	303	670	7 Trials Settled		

\*Or to courtrooms if pool is not used-does not include carryovers  
 Juror Days Per Trial (JDPT)-Total in Service (A), Voir Dires Begun (E)=568/21 = 27  
 People Brought In (PBI)-Reporting (C), Voir Dires Begun (E) =303/21=14

- \* **Carryovers (B)** - trial jurors who are continuing in trials started on some previous day.
- \* **Reporting to Pool (C = A-B)** - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.
- \* **Sent to Voir Dire (D)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Voir Dires Begun (E)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Peak (G)** - Maximum number of persons needed in court that day including those on juries and voir dire.

**Court C--Single-Day Impanelment (Juror Pool)**

Court C, a five-judge court, uses a weekly single-day impanelment, selecting all juries from a venire assembled only on Mondays. This practice can be visualized from the data presented on the summary sheet (Figure 7-6). On September 11, the first Monday of the two-month term of service, 176 people were called in for orientation, and two voir dires took

place for the seven trial starts anticipated, illustrating the problem of orientation on a day of little expected activity (as discussed under Element 5). September 25 was an excellent day for juror utilization; 118 jurors participated in six voir dires. Single-day impanelment is more efficient than stringing out trial starts over the week; however, the jury system could be operated more effectively as the subsequent analysis will show.

*Analysis 1—Weekly Voir Dire Pattern.* Because all juries are selected on Mondays (or on Tuesday following a Monday holiday), the weekly pattern is one of maximum concentration. No further action is necessary.

*Analysis 2—Percent Used in Voir Dire.* About 90 percent (675/748) of those reporting attended voir dire, but this figure is misleading for on only two of the eight Mondays did utilization exceed 100 percent, and one Monday was a zero day. This underutilization suggests that the number called in each Monday, especially in view of relatively short voir dires, was relatively high for the number of trials starting. The number of trial starts scheduled should be increased.

*Analysis 3—Percent Used as Jurors.* Of the 675 persons reporting for voir dire, less than 264 (39 percent) were selected as jurors. This is below the program goal of 50 percent and reflects unnecessarily large panel sizes (see Element 8 for further analysis).

*Analysis 4—Prediction of Trials Starts.* The prediction rate is about 45 percent, as 22 voir dires started of the 48 predicted the day before, despite the weekly variability. During six of the eight weeks, the prediction rate increased to 80 percent. The court needs to either improve its method of predicting trial starts or change its manner of establishing the Monday call-in.

*Analysis 5—Overall.* The only day the peak equaled the number reporting for voir dire was the day that all anticipated voir dires began. With one-day impanelment, the overall should be calculated for the days that voir dires begin, which, for this example, would be  $(1,343 - 480)/1,343 = 64\%$ .

*Recommendation.* Neither the PBI at 34 or JDPT at 61 meet the standards. The cost per jury selected is \$255 based on \$7.50 half-day payment, and the cost per trial is \$915, based on a \$15 full-day payment. Although the court uses a call-in system, a means of improving the accuracy of the prediction (Element 9) or a split am/pm call (Element 10) should be considered.

### **Court D--One Day/One Trial (Juror Pool)**

Court D, a suburban court with nine judges, uses a one-day/one-trial term of service. Jurors are summoned to call in the night before their service date to find out whether to report. The

Figure 7-6

Juror Utilization Summary Sheet for Court C

JUROR UTILIZATION SUMMARY SHEET										
Court		Court C						Month		Sept-Oct 1979
Day	Date	Total In Service (A)	Carryovers (B)	Reporting to Pool (C = A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dires Anticipated (F)	Peak (G)	Remarks	
M	9/11	176	0	176	59	2	7	59		
T	9/12	8	8	0						
W	9/13	8	8	0						
Th	9/18	28	0	28	0	0	1	0	1 Trial Settled Jurors Unused	
F-M	9/25	118	0	118	181	6	9	100	1 Trial Settled	
T										
Total		9/26	61	61	0					
M	9/27	49	49	0						
Th	9/28	21	21	0						
W	9/29	20	20	0						
F-M	10/2	94	0	94	86	3	8	53		
T	10/3	49	49	0						
W										
Total	10/4	34	34	0						
M	10/5	12	12	0						
F	10/6	12	12	0						
W	10/10	92	0	92	57	2	6	57		
Th	10/11	52	52	0						
F-M	10/16	52	0	52	52	2	5	52		
T										
Total	10/17	28	28	0						
M	10/23	84	0	84	55	2	7	55	1 Trial Adjourned	
T	10/24	27	27	0						
W	10/25	12	12	0						
Th	10/30	104	0	104	185	5	5	104	1 Trial Severed from 2 Depts	
F-M	10/31	88	88	0						
W										
Total	11/1	39	39	0						
M	11/2	26	26	0						
F	11/3	25	25	0						
W	11/6	12	12	0					1 Trial Carryover from 10/30	
Th	11/7	12	12	0						
F										
Total										
Monthly Total		1343	595	748	675	22	48	480		

\*Or to courtrooms if pool is not used-does not include carryovers  
 Juror Days Per Trial (JDPT)-Total in Service (A), Voir Dires Begun (E)=1343/22=61  
 People Brought In (PBI-Reporting (C), Voir Dires Begun (E) =748/22=34

- \* Carryovers (B) - trial jurors who are continuing in trials started on some previous day.
- \* Reporting to Pool (C = A-B) - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.
- \* Sent to Voir Dire (D) - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* Voir Dires Begun (E) - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* Peak (G) - Maximum number of persons needed in court that day including those on juries and voir dire.

summary sheet (Figure 7-7) does not give the total in service or carryovers due to the one-day/one-trial term, which makes the carryover jurors unavailable for further service and, therefore, of limited interest to the jury clerk for recordkeeping purposes.

Figure 7-7

Juror Utilization Summary Sheet for Court D

JUROR UTILIZATION SUMMARY SHEET										
Court		Court D								
		Month May 1979								
Day	Date	Total In Service (A)	Carryovers (B)	Report to Pool* (C=A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dire Anticipated (F)	Peak (G)	Remarks	
M	4/30			111	211	6		78		
T	5/1			43	0	0	3	0		
W	5/2			0	-	-	-	-		
Th	5/3			57	57	1	3	57		
F	5/4			38	38	1	1	33		
Total				251	306	8	15	168		
M	5/7			104	201	5	6	104		
T	5/8			0	-	-	-	-		
W	5/9			103	127	3	4	52		
Th	5/10			62	30	1	3	30		
F	5/11			41	29	1	1	29		
Total				310	414	11	13	215		
M	5/14			112	227	5	9	114		
T	5/15			89	61	2	5	31		
W	5/16			72	30	1	5	30		
Th	5/17			61	67	2	3	67		
F	5/18			62	30	1	3	30		
Total				62	30	1	3	30		
M	5/21			120	135	2	4	80		
T	5/22			81	0	0	5	0		
W	5/23			58	57	1	3	57		
Th	5/24			37	0	0	1	0		
F	5/25			0	-	-	-	-		
Total				296	192	3	13	137		
M	5/28			91	156	3	5	91		
T	5/29			72	127	3	3	60		
W	5/30			65	0	0	3	0		
Th				-						
F				-						
Total				228	283	6	11	151		
Monthly Total				1481	1610	39	77	943		

\*Or to courtrooms if pool is not used-does not include carryovers  
 Juror Days Per Trial (JDPT)-Total in Service (A) + Voir Dires Begun (E) \_\_\_\_\_  
 People Brought In (PBI)-Reporting (C)+ Voir Dires Begun (E)=1481/39+38

- \* **Carryovers (B)** - trial jurors who are continuing in trials started on some previous day.
- \* **Reporting to Pool (C = A-B)** - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.
- \* **Sent to Voir Dire (D)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Voir Dires Begun (E)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Peak (G)** - Maximum number of persons needed in court that day including those on juries and voir dire.

Analysis 1—Weekly Voir Dire Pattern. Mondays are the most active days, with more than half of the trials started (21.39); no zero days were recorded on Mondays during the analysis period (see Figure 7-7). Of twelve midweek (Tuesday through Thursday) days, there were ten days when fewer than three trialstarts occurred, and four were zero days. The pool was brought in on three Fridays, with trials starting on all three. More activity should



be concentrated on one or two midweek days, and the court should consider eliminating Friday trial starts.

*Analysis 2—Percent Used in Voir Dire.* During the one-month data period, the percentage used in voir dire averaged 109 percent. None of the five Mondays were below 100 percent, and usage on Tuesdays and Wednesdays averaged 66 percent and 72 percent, respectively. Thursday is a bit higher at 83 percent, but Friday drops to 69 percent.

*Analysis 3—Percent of Sworn Jurors.* Only 23 percent of those reporting become sworn jurors, which is below the program standard of 50 percent. The percentage of sworn jurors averaged 47 percent on Mondays and 23 percent on other weekdays--evidence that, except for Mondays, too many people are being called in to start trials.

*Analysis 4—Prediction of Trial Starts.* The prediction rate of 51 percent needs improvement. The combination of a poor prediction rate and the number of days when anticipated trials ranged from one to three explains the high number of zero days (4/20, or 20 percent). Consolidating trial starts to ensure that more than three trials are anticipated before the pool is called will decrease the number of zero days, thus improving utilization.

*Analysis 5—Overcall.* The overcall (36 percent) is calculated using the number reporting to the pool rather than the number in service, because those on carryover cases are not available for other cases under one day/one trial.

*Recommendation.* By making the rest of the week as efficient as Monday, utilization could improve and savings in juror costs could be realized. This is possible by selecting all juries on Mondays or arranging jury selection on several days of the week so that more than three trial starts are anticipated before jurors are called in. Friday trial starts should be eliminated.

With a PBI of 38 and a \$15 juror fee, the cost to select a jury is \$570. In comparison, Monday voir dire averaged only \$384 versus \$786 on other days of the week. Despite the court's interest in better management and citizen satisfaction through one day/one trial, the analysis indicates weekly imbalance and juror overcall contributing to excessive juror costs and poor utilization of those called.

## **Court E—Jury Pool**

Court E is a large metropolitan court that requires a relatively fixed jury pool because trial starts are scheduled continuously throughout the week. Voir dire length averages one hour, and trials are long at two to three days. Improvements are possible that will pay big dividends to the court and the community, but improvements will be difficult to implement due to the court's large size and the rigidity of its procedures.

Figure 7-8

**Juror Utilization Summary Sheet for Court E**

JUROR UTILIZATION SUMMARY SHEET											
Court		Court E						Month		March 1979	
Day	Date	Total In Service (A)	Carryovers (B)	Reporting to Pool* (C = A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dires Anticipated (F)	Peak (G)	Remarks		
M											
T											
W											
Th	3/1	444	104	340	357	10		343			
F	3/2	299	100	199	165	5		33			
Total		743	204	539	522	15		605			
M	3/5	361	142	219	231	5		282			
T	3/6	350	172	178	163	5		262			
W	3/7	345	151	194	97	3		219			
Th	3/8	333	117	216	341	9		329			
F	3/9	325	230	95	70	2		274			
Total		1714	812	902	902	24		1366			
M	3/12	325	139	186	327	9		314			
T	3/13	323	152	171	135	4		245			
W	3/14	325	149	176	209	6		308			
Th	3/15	324	202	122	275	8		291			
F	3/16	504	153	350	311	8		393			
Total		1800	795	1005	1257	35		297			
M	3/19	403	160	243	212	6		294			
T	3/20	364	147	217	255	7		304			
W	3/21	340	206	134	122	4		253			
Th	3/22	343	157	186	96	3		226			
F	3/23	334	137	197	197	5		-			
Total		1784	807	977	882	25		1374			
M	3/26	338	84	254	263	8		249			
T	3/27	342	126	216	136	3		180			
W	3/28	340	82	258	188	5		191			
Th	3/29	341	111	230	39	1		148			
F	3/30	-	-	-	-	-		-			
Total		1316	403	958	626	17		768			
Monthly Total		7402	3021	4381	4189	116		5664			

\* Or to courtrooms if pool is not used - does not include carryovers  
 Juror Days Per Trial (JDPT) - Total In Service (A) + Voir Dires Begun (E) - 7402/116 = 64  
 People Brought In (PBI - Reporting(C) , Voir Dires Begun(E) = 4381/116 = 38

- \* **Carryovers (B)** - trial jurors who are continuing in trials started on some previous day.
- \* **Reporting to Pool (C = A-B)** - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.
- \* **Sent to Voir Dires (D)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Voir Dires Begun (E)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.
- \* **Peak (G)** - Maximum number of persons needed in court that day including those on juries and voir dire.

*Analysis 1—Weekly Voir Dire Pattern.* The Monday to Friday voir dire starts (7.0, 4.8, 4.5, 6.2, and 5.0) show consistently high activity (see Figure 7-8).

*Analysis 2—Percent Used in Voir Dire.* During the month, Monday averaged 115 percent reuse. Tuesday and Wednesday averaged 88 percent and 81 percent, respectively.

Table 7-5

## Summary of Analysis for Courts A - E

Term	Standard	Court A One-Week Pool	Court B Multiple Voir Dire One Month	Court C Impanelment Day, Two Month	Court D One-Day/ One-Trial Pool	Court E Two-Week Pool
Voir dire attendance	>100%	70%	220%	90%	109%	96%
Sworn jurors	> 50%	37%	48%	39%	32%	31%
Overcall	< 20%	28%	-	64%	36%	23%
Panel calls/day	> 3%	1.5	2.6	2.8	1.9	5.5
Zero days	<10%	7%	0	13%	20%	0
JDPT	<30	40	27	61	-	0
PBI	<20	32	14	34	38	38

Friday averaged 88 percent juror usage. The court achieved 96 percent utilization, which is near the element standard.

*Analysis 3—Percent Used as Jurors.* Less than 32 percent of those reporting to voir dire were sworn jurors, which is below the goal of 50 percent. The low percentage is due to the large panel sizes (see Element 8).

*Analysis 4—Prediction of Trial Starts.* No trial start prediction information is used in this court because of the continuous trial start activity through the week. It is recommended that the court look into using prediction of the next day's trial starts as a basis for juror call-in.

*Analysis 5—Overcall.* The number of jurors in service exceeded the peak demand by 24 percent in March, slightly over the program standard of 20 percent (see Figure 7-8). The total number in service appears to correspond closely with juror needs.

*Recommendation.* The PBI is 38 and the JDPT equals 64—both greater than the standards. At a juror fee of \$30 per day, the cost of voir dire is more than \$1,140 (PBI of 38 x \$30) and the cost per trial is more than \$1,920 (JDPT of 64 x \$30). These costs are significantly higher than those of courts A through D due to the high juror fee of \$30 per day. A variable call-in based on daily activity records should be considered.

**Table 7-6**

**Appropriate Analysis Methods**

Parameters	Daily Voir Dire (1)	% to Voir Dire (2)	% to Jury (3)	Prediction (4)	Overcall (5)	Panel Size Element 8 (6)
1. Voir Dire Attendance	•	•		•	•	
2. Trial Jurors	•		•	•	•	•
3. Service-Peak Service	•					
4. Panel Calls/Day	•					
5. Zero Days	•			•		
6. JDPT	•	•		•	•	•
7. PBI	•	•		•	•	•

**Table 7-7**

**Recommendations Based on Analyses**

Applicable Recommendations	Analyses Deficiency Shown					
	(1)	(2)	(3)	(4)	(5)	(6)
1. Concentrate call-in (Elements 9, 11)	Y	Y	Y	Y	Y	N
2. Improve prediction (Element 9)	N	Y	Y	Y	Y	N
3. Reduce call-in (Element 10)	N	Y	Y	N	Y	Y
4. Reduce panel sizes (Element 8)	N	N	Y	N	N	Y

**Results of Case Studies**

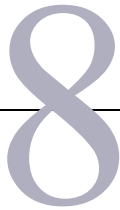
Comparisons of these courts (see Table 7-5) leads to the following generalizations:

- As shown by panel calls per day, none except the large metropolitan Court E has adequate activity to support a daily pool.
- As shown by the percentage of sworn jurors, all courts, except multiple voir dire Court B, have a problem with panel size (Element 8).
- As shown by the PBI, one-day/one-trial Court D is least efficient because of its overcall, zero days, and lack of concentration of activity and large panel sizes.
- Through concentration of activity and better prediction, all could reach the level of Court B.

## **Summary of Analyses**

The seven utilization parameters are given in Table 7-6 versus the five analyses given in this element and a sixth analysis to be presented under Element 8. For a deficiency in a parameter, certain of the analyses are applicable. This table can be used to provide guidance to courts in which analyses are most necessary based on parameter deficiencies. Based on the results of these analyses one or several general recommendations are possible (see Table 7-7).

Using the data collection forms given in this element, a court should be able to evaluate their operation in relation to the program standards. Deficiencies suggest certain analyses (Table 7-6) and the results of these analyses can result in recommendations (Table 7-7). The following elements will show how to implement these recommendations.



## Standard Panel Sizes

*The purpose of this element is to provide the minimum sufficient number of prospective jurors for jury selection and to provide the instruction needed by the parties for the conduct of the voir dire.*

### APPLICABLE ABA STANDARD

(See Standard 13 "Juror Use" referenced under Element 7.)

### STANDARD 7: VOIR DIRE

VOIR DIRE EXAMINATION SHOULD BE LIMITED TO MATTERS RELEVANT TO DETERMINING WHETHER TO REMOVE A JUROR FOR CAUSE AND TO EXERCISING PEREMPTORY CHALLENGES.

- (a) TO REDUCE THE TIME REQUIRED FOR VOIR DIRE, BASIC BACKGROUND INFORMATION REGARDING PANEL MEMBERS SHOULD BE MADE AVAILABLE IN WRITING TO COUNSEL FOR EACH PARTY ON THE DAY ON WHICH JURY SELECTION IS TO BEGIN.
- (c) THE JUDGE SHOULD ENSURE THAT THE PRIVACY OF PROSPECTIVE JURORS IS REASONABLY PROTECTED, AND THAT QUESTIONING IS CONSISTENT WITH THE PURPOSE OF THE VOIR DIRE PROCESS.

Although panel sizes in the past have been set by judges, by local custom, by rule of court, or by statute, they seldom have been calculated quantitatively on the basis of past experience. Yet the determination of proper panel sizes, as developed in this element, can generate a great amount of jury system savings for all courts, large and small. Panel sizes must be large enough to provide for adequate voir dire; i.e., big enough to allow for all peremptory and challenges for cause as well as for sworn jurors and necessary alternates.

However, experience has shown that habitual panel sizes used in many courts have been extended far beyond the limits of prudence, with the result that the numbers of jurors "not reached" are inflated. Inflation of panel sizes puts a heavy burden on juror requirements because simultaneous voir dire causes inflated demands upon the juror pool. The purpose of this element is to show how panel size information can be obtained and used to set adequate panel sizes on the basis of accumulated experience.

## **Panel Size Information**

To determine whether present panel sizes are appropriate, the court must collect information on the utilization of prospective jurors within the panels. The Jury Panel Usage Record (see Figure 8-1), which is sent along to the courtroom with the panel sheet or as part of it, should be filled out by the clerk. The form includes the breakdown of the usage of the panel and such information as the time the trial ended. The court can use the information on this record to determine the length of voir dire and the length of trials, as detailed in Element 11. At the termination of each trial, the record with the trial information is returned to the jury clerk or to the person assigned to analyze the jury management data.

Instead of using a separate form, some courts record the time of panel events and the number of jurors involved on the face or the reverse of the panel list (see "Panel Lists," page 107). Because the panel list indicates the names of those selected as jurors and those challenged, it is the source of panel information. Clerks in some courts circle those sworn as jurors and identify challenges for cause by "Xc" and peremptories by "Xpd" or "Xpp" on the list. A count of the names gives the size of the panel, and the count of the marks gives the residual information. Clearly, it is best for the clerk to use the easiest way to obtain basic panel information, either by use of a separate Jury Panel Usage Record or by notation on the panel list.

In recording the panel use information, the total size of the panel includes any additional persons that were sent after the original panel. For instance, if an initial panel of thirty was supplemented by an additional panel of eight, the number recorded as the total size of the panel would be thirty-eight. The total panel number should equal the number of jurors selected, plus those challenged peremptorily or for cause, plus those jurors not sworn or challenged. If a case is settled before the panel is questioned, the jury size would be zero, and the number not sworn or challenged would equal the total panel size.

The important information is the number of jurors not sworn or challenged. The struck

Figure 8-1

## Jury Panel Usage Record

JURY PANEL USAGE RECORD								
CASE NUMBER: <u>4-2-79-1</u>								
JUDGE: <u>1</u>								
Civil Criminal	Complaint: _____							
Charge: _____								
EVENTS:								
	Date	Time						
• Voir Dire Started	<u>5/14</u>	<u>9:43 am</u>						
• Voir Dire Ended	<u>5/14</u>	<u>10:32 am</u>						
• Trial Started	<u>5/14</u>	<u>10:45am</u>						
• Trial Ended	<u>5/15</u>	<u>2:30pm</u>						
PANEL USE:								
<span style="border: 1px solid black; padding: 2px;">31</span>	=	<span style="border: 1px solid black; padding: 2px;">12</span>	+	<span style="border: 1px solid black; padding: 2px;">1</span>	+	<span style="border: 1px solid black; padding: 2px;">6</span>	+	<span style="border: 1px solid black; padding: 2px;">12</span>
Total Size of panel furnished		Size of jury and alternates		Challenge for cause allowed		Peremptory challenges exercised		Jurors not sworn or challenged
CASE DISPOSITION DATA:								
Tried to Verdict								
Settlement/Plea								
Continued								
Prepared By: <u>Violet Bloomsby</u>								

jury method, as used in many states, makes this number difficult to obtain.<sup>1</sup> In the struck jury method, a number of prospective jurors are examined for cause until a number equal to the jury size plus peremptories is found. The parties are given a list, which is used to strikethe panel down to the jury size by eliminating prospective jurors. The strikes may be exercised openly or submitted to the clerk or judge via a list on which the strikes are noted.

<sup>1</sup>G. Thomas Munsterman, Roger G. Strand, and J. William Hart, "The Best Method of Selecting Jurors, *Judges' Journal*, 29:3 (1990), 8-13.



This method forces all peremptories to be used. However, the panel provided may still be much larger than needed if the estimated number of challenges for cause is greater than the number actually used.

In the other method of voir dire used by many courts, the jury box is filled with twelve randomly selected prospective jurors. They are questioned for cause and replaced if challenged. The parties then alternately exercise their peremptory challenges with challenged persons replaced. In this method, all peremptories need not be used (and seldom are), and the number not sworn or challenged is readily obtained.

### **Tabulation of Panel Data**

To summarize the information obtained from each panel, the data on the numbers used from each sheet or panel list should be recorded on a Panel Tabulation Form (see Figure 8-2). On this form, the total size of the panel (first column) and the Jurors Not Sworn or Challenged (last column) are carried over, but the three intermediate columns on the individual panel sheet are added together to make up the third column, Jurors Actually Needed for Voir Dire, on the Panel Tabulation Form. The total panel in each voir dire (first column) is shown to equal the sum of Jurors Not Sworn or Challenged and Jurors Actually Needed; i.e., the last two columns on the Panel Tabulation Form (Figure 8-2).

A separate Panel Tabulation Form should be used for each category or type of trial and size of jury. The average panel size and the average number needed can then be determined for each category. If the information obtained from two or more categories is similar, these categories can be combined. The number of categories needed depends on the number of voir direes and the intensity of the analysis desired. Generally, the six-person, twelve-person, civil, and criminal categories will be sufficient for the first analysis.

The data given in the Panel Tabulation Form (Figure 8-2) represents 35 panels used for twelve-member jury selection in Court C during a three-month period; however, data from only 15 panels are used for the sake of clarity. The first row is the data from the Jury Panel Usage Record (Figure 8-1). Examination of this data indicates a range of panel sizes from 21 to 55 and an average panel size of 34. The actual number of jurors needed ranged from 16 to 40, with the average being only 24. The element measure can be calculated using the following formula.

$$\frac{\text{Total Jurors Not Sworn or Challenged}}{\text{Total Size of Panel Furnished}} \times 100 = \frac{355}{1,185} = 28\%$$

Figure 8-2

## Panel Tabulation Form

JURY PANEL USAGE SUMMARY			
Record Number or Date	Total Size of Panel Furnished	= Jurors Actually Needed for Voir Dire	+ Jurors Not Sworn or Challenged
4-2-79-1	31	19	12
4-2-79-2	39	23	16
4-2-79-3	50	40	10
4-9-79-4	23	22	1
4-9-79-5	50	36	14
4-9-79-6	26	19	7
4-9-79-7	37	28	9
4-16-79-8	55	28	27
4-16-79-9	31	21	10
6-4-79-30	21	21	0
6-11-79-31	29	16	13
6-11-79-32	24	17	7
6-11-79-33	33	25	8
6-18-79-34	25	22	3
6-18-79-35	24	21	3
Totals	1185	850	335
	$\bar{X} = 33.9$	$\bar{X} = 24.3$	

The percentage unused, 28 percent, exceeds the standard of 10 percent. If more than 10 percent of the potential jurors furnished are unreached during voir dire, the court should consider reducing the standard panel size.

### Determination of Standard Panel Sizes

The average number of jurors needed (as calculated in the previous section) should *not* be used to determine the recommended panel size for this class of jury trials, for in Court C the average needed is exceeded by half the cases. If the average were used, half the panels would be inadequate for the completion of voir dire. If the largest panel size needed, 40 persons, was selected as the standard panel size, then every case in this group would be satisfied, but the panels would be larger, not smaller, for many of the panels were much smaller than 40. Forty could be the upper limit, not the recommended standard.

In Court C the largest number of jurors actually needed was 40. The two largest panels

required 40 and 36 prospective jurors. The court knew more than usual would be needed, but the request was overly cautious. A standard panel size of 28, unless a specific case is known to require more persons, might be a good recommendation for this court. The 28-person panel would have been adequate for 33 (95 percent) of the 35 cases. If this court used a juror pool, then a second group of jurors would be available if the larger number needed had not been anticipated. The use of supplemental panels is seldom desirable for it extends voir dire, but if it only happens in 5 percent or less of the cases, this might be tolerated because it could reduce juror waiting time.

### **Large Panels for Complex Cases**

Courts occasionally need large panels for highly publicized or multiple-defendant cases.<sup>2</sup> Many jurisdictions also periodically draw grand jurors from the same group of persons reporting for petit jury service. But this need is frequently not given any special consideration. Some courts pay a heavy price for not anticipating the need for extraordinarily large panels. The result is often disruption to the court's operation, delay of other trials, and the false impression left with judges, clerks, and court administrators that not enough jurors are being called in. Special and effective arrangements can be made by receiving sufficient advance notice from the judge or from the assignment office so that normal jury operation is not unduly affected.

Special arrangements may also include:

1. Calling additional jurors for the scheduled trial day and selecting other juries from the balance of first one, releasing those not needed as soon as practical.
2. Calling more jurors for the week and scheduling other trials that require large panels for different days of that week.
3. Scheduling other judges' trial starts at different times.
4. Scheduling the large panel to start during an off-peak day or hour.
5. Calling in a portion of a large panel for the first day, another fraction for the second day, etc. If successive portion of the panel are required, they are called off.

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<sup>2</sup>Timothy R. Murphy, Geneva K. Loveland, and G. Thomas Munsterman, *A Manual for Managing Notorious Cases* (Williamsburg, VA: National Center for State Courts, 1992), pp. 56-58.

The court may already have a mechanism to aid in this situation. For example, if the court uses a call-in system for standby jurors (see Element 10), it can be utilized for the large panel or increments of the needed panel. Calendar coordination (see Element 9) is also an important aspect to consider in anticipation of the need for large panels.

## Panel Lists

The panel list is a valuable source of information for the judge and attorneys as they select a jury during voir dire. If the panel list lacks facts considered important, the judge or counsel must ferret them out by questioning. In some courts, the list provides only the juror's name, age, and occupation; in other courts, the list gives as many as fifteen items, including extensive information on the jurors and their spouses. Many courts include some twenty-five different items of information; only name and occupation were common to all. There are two basic types of panel lists:

- *A List of All Persons in the Venire* (either those receiving a summons or those reporting for service). The courtroom clerk prepares a list of the selected jurors for the court record. When the name of a prospective juror is drawn from the wheel in the courtroom, the attorneys scan the total list to find him. This list may include as many as 600 names, sometimes typed or listed in computer format. In large courts using this method, numerous pages must be repeatedly referenced, and no satisfactory list of the panel information is available for the trial record. The availability of information for all persons makes it difficult to protect a person's privacy.
- *A List of Only Those Sent to a Courtroom for Voir Dire*. In many courts, a panel list is typed or photocopied in the jury lounge after selection and is sent to the courtroom. As the names are drawn for selection, the list is referenced. Upon completion of voir dire, a copy of the list is annotated and becomes the jury list for the record. Another copy can be returned to the jury clerk indicating those jurors who were either challenged or not reached. With this type of system, only information on the list is available to the judge and attorneys, unless a venire list containing more complete information on all jurors is provided.

In some jurisdictions, additional information on jurors is also available from private organizations who investigate prospective jurors and report on jury voting records. Both prosecutors and the defense bar maintain information on a person's jury voting experience.

Figure 8-3

**Juror Biographical Form: Arizona**

**OFFICE OF THE JURY COMMISSIONER  
BIOGRAPHICAL INFORMATION**

FOR JURY COMMISSIONER USE ONLY

---

DATE(S) OF SERVICE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

NAME: \_\_\_\_\_  
(Print Clearly)

JUROR REIMBURSEMENT IS MILEAGE ONLY FOR THE FIRST DAY AND \$12.00 PLUS MILEAGE FOR EACH DAY SERVED THEREAFTER.

THE FOLLOWING INFORMATION WILL BE USED FOR COURT PURPOSES ONLY. THIS FORM WILL BE DESTROYED WHEN YOU ARE DISMISSED FROM JURY SERVICE.

**INSTRUCTIONS:**

1. PLEASE COMPLETE THE FOLLOWING INFORMATION.
2. TWO COPIES OF THIS FORM WILL BE USED IN THE COURTROOM.
3. THE ORIGINAL OF THIS FORM, WHEN SIGNED BY THE COURT, WILL SERVE AS YOUR VERIFICATION OF JURY SERVICE FOR YOUR EMPLOYER.

AGE	MARITAL STATUS MARRIED <input type="checkbox"/> SINGLE <input type="checkbox"/>	DIVORCED <input type="checkbox"/> SEPARATED <input type="checkbox"/> WIDOWED <input type="checkbox"/>	EMPLOYMENT STATUS EMPLOYED <input type="checkbox"/> UNEMPLOYED <input type="checkbox"/>	SELF-EMPLOYED <input type="checkbox"/> RETIRED <input type="checkbox"/>	<p><b>PLEASE INDICATE YOUR RACE BELOW</b></p> <p>BLACK NON-HISPANIC <input type="checkbox"/>                  WHITE NON-HISPANIC <input type="checkbox"/>                  HISPANIC <input type="checkbox"/>                  NATIVE AMERICAN <input type="checkbox"/>                  ASIAN <input type="checkbox"/>                  OTHER (SPECIFY) _____</p> <p style="font-size: x-x-small;">This answer is required solely to avoid discrimination in juror selection and has absolutely no bearing on qualifications for jury service. By answering this question you help the Superior Court monitor the juror selection process so that discrimination does not occur. In this way the Superior Court can fulfill its legal obligation to provide jurors who are randomly selected from a fair cross section of this community.</p>
OCCUPATION _____		PRESENT EMPLOYER OR BUSINESS IF SELF-EMPLOYED _____			
PREVIOUS OCCUPATION IF RETIRED OR UNEMPLOYED _____		BUSINESS ADDRESS _____			
NO. OF YEARS SD EMPLOYED	NO. OF YEARS IN ARIZONA	NO. OF YEARS IN MARICOPA COUNTY	DO YOU OWN REAL PROPERTY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
NO. OF CHILDREN	AGES OF CHILDREN _____	NAME OF SPOUSE _____		AGE OF SPOUSE _____	
SPOUSE'S OCCUPATION _____		SPOUSE'S EMPLOYER _____		SPOUSE'S BUSINESS ADDRESS (STREET, CITY, ZIP CODE) _____	
HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES <input type="checkbox"/> NO <input type="checkbox"/>		IF YES, RIGHTS BEEN RESTORED? YES <input type="checkbox"/> NO <input type="checkbox"/>		NO. OF YEARS COMPLETED IN SCHOOL _____	
ANY LAW ENFORCEMENT EXPERIENCE? YES <input type="checkbox"/> NO <input type="checkbox"/>		IF YES, POSITION _____		WHERE _____ WHEN _____	
ANY PRIOR JURY DUTY? YES <input type="checkbox"/> NO <input type="checkbox"/>		IF YES, WHERE _____		WHEN _____	
					I CERTIFY (OR DECLARE) UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

Some courts have shown their displeasure with this practice by making the venire list confidential, by reducing the jurors' term of service, or both. Short terms of jury service make it virtually impossible to establish track records on individual jurors.

Methods of preparing the panel list vary widely. It may be typed, computer printed, handwritten, photocopied, printed, or composed of cards or ballots representing the jurors. Whatever the method, most courts give little thought to whether it could be more efficient: few clerks can recall any change in practices currently used in their courts. Yet the form of the panel list affects the amount of work done in the jury assembly room and the time it takes to organize a panel after it is called. The most efficient method of preparing the panel list appears to be photocopying juror information cards or having the jurors prepare multipart forms. Some courts input this biographical information into the jury automation system so that it can be printed as needed in the correct format or even in the random order used to seat the prospective jurors. Some courts use computer scanners to input this data.

Courts should consider the efficiency of this input process. With long terms of jury service, this automated input of juror information could be efficient. However, as courts reduce their term of jury service, they are calling more people with each person attending fewer voir dire. In these cases, the computer is operating as a very expensive copy machine. If the juror use is very low, then much of the information input is never used.

In Harris County District Court (Houston, Texas), jurors give their summons information card to the jury clerk on arrival. The cards are sorted into the original computer-generated random order. This order is used by the clerk when calling persons from the pool for panels. The cards for those selected are arranged six to a sheet and photocopied to make a panel list, with copies for the attorneys, judge, clerk, and jury clerk. In the courtroom, prospective jurors are seated for the voir dire in the same random order by which they were chosen from the combined voters and drivers list and from the pool. No typing or rewriting of juror names is required and, consequently, the jury clerk's attention may be devoted to handling some 800 different jurors each day.

In Maricopa County (Phoenix, Arizona), prospective jurors are given a biographical form, along with a clipboard and pencil, to complete (see Figure 8-3). The jurors keep this form until they enter the courtroom for the voir dire. The bailiff separates the forms and gives them to the judge and parties in the computer-generated random order. At the completion of the voir dire, the forms are collected, the demographic data on race and ethnicity is tabulated, and the forms are destroyed. The top portion of the form can be separated from the biographical portion and signed by the court staff as a verification of service for the juror's employer.

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## Calendar Coordination

*The purpose of this element is to ensure that a sufficient number of jurors are available to accommodate jury trial activity and that case-scheduling methods support good juror utilization.*

### APPLICABLE ABA STANDARD

#### STANDARD 13: JUROR USE

- (d) COURTS SHOULD COORDINATE JURY MANAGEMENT AND CALENDAR MANAGEMENT TO MAKE EFFECTIVE USE OF JURORS.

The coordination of the supply of prospective jurors with the operating needs of the court can be accomplished through the court calendar. The calendar lists the activities that are scheduled for action each court day. Those skilled in the area of calendar interpretation believe they can reasonably predict from the calendar the actual number of jury trials that will be started on a given day and, hence, the approximate number of prospective jurors needed. Although such forecasting is tentative, some courts have greater success in this respect than others, and some neglect this potential coordination altogether. This element will show that calendar coordination is an exchange of information that benefits both calendaring and jury management systems.

#### **Levels of Calendar Coordination**

Court use three levels of calendar coordination: no coordination, some coordination or communication, and communication with feedback (i.e., full coordination).

##### **No Coordination**

In this level of calendar coordination, the jury system operates independently from the rest of the court. This level is exemplified by a small county, which summons a group of prospective jurors every Monday morning, even though the record shows that only three or four trials are held each year. Another example is a metropolitan court that had 200 to 300

jurors brought in during the Thursday and Friday after Christmas, even though no judges were on the bench. In both courts, the jury clerks were performing as they had been instructed, and no one in authority had modified those instructions.

The situation of "no coordination" is so patently ridiculous that it should be avoided regardless of the size of court or any condition of jury service, for it not only costs the court of money but also gives the jurors and the people of the community an impression of ineffective court activity and management.

### **Some Coordination**

This condition varies from the avoidance of "zero day" extremes to fairly elaborate procedures for predicting the number of trials expected the next day or later on the same day. For instance, late each day the jury clerk in Prince George's County, Maryland, checks by telephone with each of the judges' clerks to determine the expected number of trial starts on the following day and uses that estimate as the basis for the number of jurors to call in via a transcribed telephone message. In Dallas, a less-selective coordination is practicable because only enough jurors to meet minimum needs of the day are summoned in the morning. During the morning, the clerk checks with each of the judges or their clerks to determine the additional number that will be needed that afternoon. The estimate provides the basis for the 11:30 a.m. telephone message that instructs standby jurors to come in at 1:00 p.m. These are basically one-way communications between the calendaring source, whether it's the judge (individual calendars) or the clerk (master calendars) and the jury clerk.

### **Full Coordination**

This level of coordination involves not only an accurate prediction of the number of jurors to bring in but also some flexibility in the calendaring process to improve juror utilization. For instance, in Shawnee County (Topeka, Kansas), before a trial date is given, the date is checked with the jury coordinator. Usually, the purpose of this coordination is to intensify trial activity at the times when jurors are available. In small courts, multiple voir dire is used to pick several juries from a group of jurors called in for that day, with the trials being set to start on subsequent days. Small courts in many states, as well as most of the small federal district courts, achieve a rather close coordination between the jurors needed and the calendar.

Larger courts can use an impanelment day to force calendar coordination by scheduling all voir dire to a common day. The concern then becomes how large a venire to bring in.



Table 9-1

### Average Daily Jury Activity

Day of Week	No. of Panels	Percentage of	
		Pool Used	Trials Begun
Monday	9.0	130	50
Tuesday	4.1	120	40
Wednesday	3.8	70	54
Thursday	2.4	60	33
Friday	.2	33	10
Week	19.5	95	40

In a few very large courts (as in Court E analyzed in Element 7), the calendar coordination can be minimal due to the consistent pace of the court; however, even under these conditions, some communication and consideration of trial scheduling to concentrate activity is often desirable.

### Consolidation of Trial Starts

Many jurisdictions have been independently exploring the value of intensive jury operation. For instance, St. Louis County (Clayton, Missouri) starts all its trials on Mondays and Wednesdays unless prior arrangements are made. Others—like Ann Arbor, Michigan; Madison, Wisconsin; and Jacksonville, Florida—bring in pools on Mondays only, setting up juries for the week at that time regardless of the days on which each actual trial will begin. Some judges may even pick juries for other judges.

One clue to the improvement of juror usage through trial intensification can be found in Broward County, Ft. Lauderdale, Florida (see Table 9-1). In Broward County, Monday is both the busiest and most efficient day of the week, with an average of 9.0 panels called and 130 percent of the pool used. Further, Monday is the most predictable day, with 50 percent of its scheduled trials actually beginning. Although the number of trial starts on Tuesday is smaller than on Monday, the percentage of jurors used is high because the pool has been reduced in size by jurors still sitting on trials begun Monday. However, Wednesday, Thursday, and Friday have few panel calls and low efficiency. Thursdays and Fridays also have poor trial predictability.

Selecting juries on Wednesday for all trials for Wednesday, Thursday, and Friday would intensify activity and improve juror usage. Trials could be started on Thursday or Friday if desired, so long as the jury (or at least the panel) was selected from the Wednesday pool.

Successful operation of the Monday/Tuesday/Wednesday pool might naturally lead to consideration of whether a Monday/Wednesday pool might be even better.

## **Evaluating Trial Prediction**

Trial prediction may be achieved in many ways, depending upon the calendaring method used and the recognition of the reliance of cooperation to prevent unnecessary waiting by jurors in the court. Here are four examples of trial prediction:

1. In one medium-sized court the attorneys, public and private, would tell the jury commissioner if a case was really going to go forward, with the trust that the commissioner would not tell opposing counsel.
2. In one court, the prosecution withdraws the reduced plea offer one week before trial. The judges will not continue a case within one week of the trial date except in extreme circumstances. In this court, the calendar is, therefore, very predictable, and trial rates are no higher than in less well managed courts.
3. In a large metropolitan court, the coordinator in the prosecutor's office communicates directly with the jury clerk to estimate the next day's demand.
4. In a medium-sized court, the jury clerk has found that the court of limited jurisdiction has poor prediction capabilities and plans on one panel for civil and criminal cases whenever cases are set regardless of the number set. However, the court of general jurisdiction has excellent prediction of civil cases due to extensive use of mandatory pretrial conferences, but the criminal master calendar is somewhat unpredictable. These conditions are combined by the jury clerk to generate the call-in prediction.

Knowledge of this prediction rate is useful to the jury administrators, for without it, they would always be calling in too many jurors. With it, they can estimate much more closely the probable needs for the next day on the basis of the judges requesting panels.

The jury staff in one large court is helped in this estimate by having a record of the prediction rate of each of the court's twenty-six judges, for when some judges order panels, they always go to trial, whereas when others order panels, the chances that a trial will start are slim (see Table 9-2). For example, Judge A is shown to have started nine voir dires out of eleven panel requests, whereas less predictable Judge D had only four starts out of eleven requests.

The six judges with the highest percentage of actual trial starts volunteered to describe their procedures in making panel requests. Their methods, put together and organized, were then submitted to the other judges for comment. Whether this method of sharing informa-

Table 9-2

## Trial Prediction Rates Among Judges

Judge	Total Panel Request	Cases Settled Before Panel Arrives	Panels Sent to Courtrooms	Cases Settled Before Voir Dire	Voir Dire Starts	
					Number	Percentage of Requests
A	11	-	11	2	9	82
B	8	1	7	-	7	88
C	19	4	15	5	10	53
D	11	6	5	1	4	36
E	15	5	10	-	10	67
F	3	-	3	-	3	100
G	16	1	15	9	6	38
H	15	6	9	3	6	38
Y	4	1	3	-	3	62
Z	4	-	4	1	3	75
<b>TOTAL</b>	<b>263</b>	<b>46</b>	<b>217</b>	<b>47</b>	<b>170</b>	<b>65%</b>

tion about prediction activities has caused any of the judges to change their practices is not yet known, but it does show that cooperation exists between those who schedule the jury trials and those who control the jurors. Such cooperation helps to improve juror utilization.

### Implementation

The object of calendar coordination is to establish an effective level of communication between those managing the jury system and those managing the court calendar. This can be achieved by the following:

1. Establish procedures whereby each court or calendar office orders panels from the jury administrator for the next day of jury sessions, or otherwise informs the jury administrator of the court's needs. An ongoing record listing the orders by day should be kept by the jury staff.
2. Develop the prediction rate for the court and, after approval by the chief judge, use that prediction rate in estimating the number of jurors to call in. Use a call-in system to bring in that number and have a provision whereby last-minute needs can be met.
3. Measure the number of daily panel requests for a period of time. If there tends to be less than three panels per day, then a method of intensifying trial start activity should be sought, presumably
  - Multiple voir dire in a small court
  - Single-day impanelment in a midsize court
  - Intensification of trial starts on other days in a large court

4. Determine the number of zero days occurring and the reasons associated with such zero days as shown in Element 7. The jury administrator would then report these to the chief judge.
5. Prepare a weekly prediction rate and include it in the monitoring and control function of Element 12.

*The purpose of this element is to provide the minimum sufficient number of jurors to accommodate jury trial activity and to decrease costs. The use of standby jurors requires a means for predicting the need and a means for notifying prospective jurors.*

One of the most effective ways courts have found to reduce the number of juror days paid and juror waiting time has been through the use of a standby juror system. Because many courts do not need the same number of prospective jurors every day, they have used this system to provide a variable supply of prospective jurors corresponding to varying court needs. A standby juror is any person who has been summoned and is ready to serve but reports to the courthouse only if needed by the court. These persons are paid only for the days they actually serve, thus saving the court the cost of calling in a fixed number of persons every day.

Although the call-in flexibility allowed by the standby system can save the court much money in jury fees, it is seen by some as an inconvenience to the jurors, who do not know whether they will be needed until the night before, or even the day of, reporting. Critics of telephone call-in systems suggest that keeping people in suspense is as much of an imposition as bringing them directly into court. To meet this objection, courts should have the best predictive capability possible, which is then implemented with a call-in system. When actual jurors and their employers have been questioned, they have favored by an overwhelming margin the option of waiting at home or office rather than in the courthouse.

Courts have developed various ways of selecting persons to be standby jurors, of notifying them of their standby status, and of calling these people in. The following sections will describe these methods.

### **Assigning Standby Jurors**

A number of courts randomly select prospective jurors as standbys when those jurors are selected to receive their summonses. In these courts, some or all of the persons summoned

may be designated as standbys with instructions on the summons to call the court the evening before their reporting date to find out whether they will be needed. Courts that have activity ranging from zero to many trial starts per day will put everyone on standby and call in only those needed. Courts that usually have some activity designate only a minimum number of prospective jurors to report and put the rest on standby. Unless this minimum number can be guaranteed to be needed, the safer method is to put all prospective jurors on standby.

For example the wording on the summons used in Maricopa County (Phoenix, Arizona) is as follows:

You are hereby summoned to appear for jury service in the  
MARICOPA COUNTY SUPERIOR COURT  
111 S. THIRD AVE  
PHOENIX, ARIZONA 85003  
ON JUNE 12, 1995 SP  
Your group designation is 04.

CALL 506 8000 AFTER 5 P.M. ON THE NIGHT BEFORE YOUR APPEARANCE DATE FOR RECORDED INSTRUCTION AS TO WHETHER YOUR GROUP IS TO APPEAR, NOT APPEAR, OR IS RESCHEDULED FOR ANOTHER DAY. THE RECORDING ALSO RUNS ON WEEKENDS AND HOLIDAYS. IF YOU HAVE QUESTIONS, CALL 506 5879.

Although many courts, including all one-day/one-trial courts, successfully notify persons of their standby status by means of the summons, some courts are skeptical of this method because they are not absolutely sure of the number of persons available to report. Because of this fear, these courts have elected to have everyone who has been summoned report on the first day of service, after which some or all persons reporting will be placed on standby status. This technique eliminates most of the problems of yield variation (i.e., no shows, last-minute excuses, etc.) to which the summons/standby system is prone. However, the juror use on that first day is often very poor.

Courts that wait for the first day of service to assign standby status will often ask for volunteers. The danger of this procedure is that it may be open to challenge as a subversion of the randomness of the process if these persons are withdrawn from the rest of the venire. The court in Rochester, New York, had such a "volunteer standby" system but avoided any potential challenge concerning its randomness by keeping the names in the selection wheel.

**Table 10-1****Telephone Call-In System**

<b>Requirements</b>	<b>Juror Calls Court</b>	<b>Court Calls Juror</b>
Prior notification	Necessary--placed "on call."	Not necessary. Instructions with summons.
Responsibility	On individual.	On court.
Coverage	Known by users to be effective--good citizen response.	Cannot reach some. Possible subversion of randomness.
Flexibility	Unlimited--no clerical work required for contacting jurors. Can be done any time. Reporting flexibility restricted by yield.	Clerical work required. Usually done during working hours. Can produce panel at any time.
Cost	Telephone call-in device.	Clerical time.
Certainty	Not as good. May require some overall if done prior to orientation.	High level of certainty.

When a panel was requested, the jury clerk would select a panel, possibly including a few standbys, and would send the names to the courtroom. If the attorneys were willing to conduct voir dire without standby jurors, the voir dire proceeded; if not, the court would call the standby jurors, who would have to be able to get to the court within one hour.

**Calling in Standby Jurors****Who Calls Whom**

There are two basic methods of calling in standby jurors: the juror calls the court, and the court calls the juror (see Table 10-1).

In most standby systems, prospective jurors are instructed to telephone a given number after a fixed time on the evening before the day of possible service. At this time, when the next day's trial schedule is firmly set, they can be told whether to report in person the following morning.

The advantage of this system in which the citizen is responsible for calling is that messages never go astray. On the other hand, when court officials do the calling, there is no guarantee that the prospective juror will receive the message, and much clerical time is spent contacting prospective jurors individually. This is particularly true if court calls are made during the daytime when many persons are not at home. Although this system of having jurors call in produces a high certainty of a specific number reporting, it may produce a poor cross-section because it will bring in a preponderance of "homebodies" as jurors. A more effective procedure is for courts to either include directives for citizen call-in within the summons itself (as is done in Maricopa County) or instruct jurors of procedures during the first-day orientation.

## **When Standbys Are Called**

While the most common time of notifying standby jurors of their reporting status is the afternoon or evening before the day they are scheduled to report, this is by no means the only call-in procedure. The following examples illustrate the flexibility the system can provide.

1. *Everyone on Continuous Telephone Alert*—A comprehensive call-in system entirely eliminates the traditional appearance of all prospective jurors at the courthouse on a starting day of service. In fact, no citizen is expected to report for duty until specifically called. This procedure involves a summons indicating to prospective jurors a probable date of need, with instructions to remain available by phone all that day. As soon as trial needs for each specific day are determined, clerks call the requisite number of alerted and waiting juror candidates.
2. *Partial Group Continuous Telephone Alert*—On the first day of a one-week term, the court requests volunteers to be placed on the telephone alert system. Those able to get to the court within one hour after being called in are eligible to volunteer. Even those not on alert are allowed to leave a phone number and to return to the courthouse when needed.
3. *Called in for Afternoon Service*—A portion of those summoned in a one-day/one-trial court are designated to call in between 11:15 a.m. and 12:30 p.m. on the day they are to report for service. If it is inconvenient to be on afternoon standby status, they are told to report as a regular juror on that day. If they are needed, prospective jurors report as directed; if not, they are eligible for resummoning.
4. *Morning Call on Day of Service*—Prospective jurors are directed on the summons to phone the jury clerk at 10:00 a.m. of the day they are to serve; if the trial is still scheduled, the citizens are told to report.

## **Calling Off Standby Jurors**

Courts that have terms of service of many days will usually call in all standbys summoned for the term. Sometimes when the term is short, especially in one-day/one-trial courts, standby jurors may never be called in. When calling off these standby jurors, courts have the option of dropping the names because their service is complete; resummoning them for a certain date; or placing the names of those called off back into the master list to be drawn for jury service at a later date.



Figure 10-1

## Telephone Call-in Reminder Card

<b>JUROR NO.</b>	<input style="width: 100px; height: 30px;" type="text"/>	<b>Yellow</b>
<p>IT IS MY PLEASURE TO WELCOME YOU FOR PINELLAS COUNTY JURY SERVICE. THIS CARD DESIGNATES YOUR <b>JURY TEAM COLOR</b>.</p> <p>IF SO INSTRUCTED, CALL THIS JUROR INFORMATION NUMBER, 530-6999. IF YOU HAVE AN UNEXPECTED EMERGENCY, YOU MAY CALL THIS NUMBER, 530-6182.</p> <p style="text-align: center;"><b>KARLEEN F. De BLAKER</b> CLERK OF THE CIRCUIT COURT</p>		

### Call-in Reminder

The card illustrated in Figure 10-1 is given to jurors in Pinellas County, Florida. The card contains the call-in information, a place to record the juror number, and a panel color, which is used to identify the person. This type of notification for the juror could be issued at orientation or even included in the summons.

### Randomness Implications

Courts should be cautioned of several practices that could create problems, as described below.

1. *Alphabetical Call-in*—Some courts identify those to report by using alphabetical segments (e.g., "All jurors whose last names begin with A through G should report"). The result is hardly random, and although it may be difficult to prove a demographic bias, the appearance of such a condition in the courtroom makes the practice's randomness appear questionable.<sup>1</sup> This problem could be averted by assigning numbers on the summons in the random order in the selection process and putting jurors in groups randomly. Then, for example, requesting numbers 1 through 25, or panel #4, to appear would maintain the truly random basis of the jury selection process.

<sup>1</sup>Hans Zeisel and Shari Seidman Diamond, "The Jury Selection in the Mitchell-Stans Conspiracy Trial," *American Bar Foundation Research Journal*, no. 1 (1976), 151-174.

2. *Machine Shut-off*—Some telephone-answering devices have counters that indicate the number of calls received. In some courts, when the counter reaches the desired number, the message is changed to call off any further standbys. While perfectly random in theory, this practice could raise questions within the community as to its randomness.
3. *Selection with Replacement*—In one rural court with a three-month, on-call system, several jurors complained that some were being called more often than others. The procedure was such that when jurors were needed, the drum containing the names of those on call was rotated, and the needed number of names withdrawn. The court called these jurors between 3:00 and 5:00 p.m., and about thirty-five calls had to be made to get twenty-five responses. Once the jurors were called, their names were returned to the drum, making them eligible for additional selections (see Table 10-2).

The complaints were justified, for half of the 616 jurors that were called four times or less furnished only 30 percent of the voir dire days, and the other half the remaining 70 percent. This imbalance is compounded because those who appeared more often were more likely to be sworn jurors and, consequently, served many more days on trial. The recommended procedures to resolve this situation are

- Call during nonbusiness hours or ensure that all could be reached via alternate numbers
- Call everyone in the drum once before the drum is replenished, thereby giving everyone an equal chance to be called and getting the best cross-section

**Table 10-2**

**Number of Times Individuals Called for Jury Selection**

No. Times Called In	No. of Persons	Voir Dire Days
0	0	0
1	33	33
1	136	272
3	41	123
4	90	360
5	155	775
6	118	708
7	41	287
8	2	16
Total	616	2,574

## Telephone-answering Machines

Courts have either leased or purchased answering machines, with costs ranging from a hundred to several thousand dollars for a multiline machine. Whether the machine is simple or complex or serving 20 or 500 callers a day, it should be of commercial quality. Many courts use their existing court telephone systems or services provided by their telephone company. These have the advantages of greater line capacity and reliability over smaller machines.

When preparing specifications for purchasing or leasing telephone-answering equipment or services, familiarity with the following features will be helpful in selecting a service to meet the court's requirements.

- *Announce/Recording Capability*—A two-way message system where the juror acknowledges receipt of the summons by calling a designated number to record a request for excuse or postponement, or to indicate willingness to serve, used in place of written correspondence.
- *Barge-in and Repeat*—Allows second and third callers to "barge-in" anytime with the message automatically repeated, instead of hearing a busy signal until the first caller hangs up.
- *Call Counter*—An accessory useful for monitoring the number of incoming calls during the day or overnight to determine if an additional line is needed.
- *Capacity*—Machines designed for 50 calls or less daily support a minimum capacity; 50 to 100 calls daily, medium capacity; and more than 100 calls, heavy-duty capacity.
- *Cycle*—A "fixed" cycle begins the recording where the last caller hung up; "automatic rewind" cycle starts each message at the beginning for each caller.
- *Message Length*—Recording time ranges from seconds to several minutes. The length of the messages to be used should be estimated to determine the maximum time requirements.
- *Number of Lines*—A single-line machine receives calls consecutively, while a multiline machine receives calls simultaneously. The number of lines needed depends on the number of calls, the length of the message, and the time interval of the calls.
- *Recording Media*—Some machines require cassette, cartridge, or internal tape to record messages. This varies by brand of machine. Many machines are totally digital, which should be the most reliable.

- *Remote Access*—This feature allows the message to be changed from another location via a touch-tone telephone.

A successful standby system depends not only on an appropriate implementation for the court's purposes but also on the recorded message being short and simple, along with a clear presentation on the summons of the juror's responsibility.

### **Telephone Call-in Messages**

Because the message should be short, it must be carefully prepared with important points repeated. Most large courts divide those reporting into several groups identified by a key or assign each juror an individual number.

When jurors are identified by individual number rather than by a group, only three message types are needed: number 1 instructs all jurors to come in as summoned; number 2 cancels all juror calls; and number 3, which must be prepared daily, lists specific juror numbers called in for the next day's service. Elsewhere, as in Pontiac, Michigan, 150 jurors are randomly divided into six alphabetical groups, such as A through F. Daily instructions are of the following form:

*Hello: This is the Oakland County Juror Information Service. Only jurors in groups A, C, and E should report at 9:00 tomorrow morning, Thursday, May 15, to the jury assembly room, second floor, east wing of the courthouse. Jurors in group B, D, and F are not needed Thursday morning. All jurors please call again after 5 p.m. on Thursday to receive instructions for Friday.*

In a jurisdiction where prospective jurors have to make a long-distance telephone call to reach the call-in message, the court identifies these areas and informs on the summons that collect calls will be accepted. The beginning of the recorded message, is simply, "Hello, Collect calls are accepted." The other option is for the court to arrange for the telephone company to install a toll-free number.

*The purpose of this element is to improve the efficiency of jury selection.*

APPLICABLE ABA STANDARDS

STANDARD 7: VOIR DIRE

VOIR DIRE EXAMINATION SHOULD BE LIMITED TO MATTERS RELEVANT TO DETERMINING WHETHER TO REMOVE A JUROR FOR CAUSE AND TO EXERCISING PEREMPTORY CHALLENGES.

- (a) TO REDUCE THE TIME REQUIRED FOR VOIR DIRE, BASIC BACKGROUND INFORMATION REGARDING PANEL MEMBERS SHOULD BE MADE AVAILABLE IN WRITING TO COUNSEL FOR EACH PARTY ON THE DAY ON WHICH JURY SELECTION IS TO BEGIN. (See Element 8.)
- (b) THE TRIAL JUDGE SHOULD CONDUCT THE INITIAL VOIR DIRE EXAMINATION. COUNSEL SHOULD BE PERMITTED TO QUESTION PANEL MEMBERS FOR A REASONABLE PERIOD OF TIME.
- (c) THE JUDGE SHOULD ENSURE THAT THE PRIVACY OF PROSPECTIVE JURORS IS REASONABLY PROTECTED, AND THAT THE QUESTIONING BY COUNSEL IS CONSISTENT WITH THE PURPOSE OF THE VOIR DIRE PROCESS.
- (d) IN CRIMINAL CASES, THE VOIR DIRE PROCESS SHOULD ALWAYS BE HELD ON THE RECORD. IN CIVIL CASES, THE VOIR DIRE PROCESS SHOULD BE HELD ON THE RECORD UNLESS WAIVED BY THE PARTIES.

STANDARD 8: REMOVAL FROM THE JURY PANEL FOR CAUSE

IF THE JUDGE DETERMINES DURING THE VOIR DIRE PROCESS THAT ANY INDIVIDUAL IS UNABLE OR UNWILLING TO HEAR THE PARTICULAR CASE AT ISSUE FAIRLY AND IMPARTIALLY, THAT INDIVIDUAL SHOULD BE REMOVED FROM THE PANEL. SUCH A DETERMINATION MAY BE MADE ON MOTION OF COUNSEL OR ON THE JUDGE'S OWN INITIATIVE.

#### STANDARD 9: PEREMPTORY CHALLENGES

- (A) THE NUMBER OF AND PROCEDURE FOR EXERCISING PEREMPTORY CHALLENGES SHOULD BE UNIFORM THROUGHOUT THE STATE.
- (B) PEREMPTORY CHALLENGES SHOULD BE LIMITED TO A NUMBER NO LARGER THAN NECESSARY TO PROVIDE REASONABLE ASSURANCE OF OBTAINING AN UNBIASED JURY.
- (H) FOLLOWING COMPLETION OF THE VOIR DIRE EXAMINATION, COUNSEL SHOULD EXERCISE THEIR PEREMPTORY CHALLENGES BY ALTERNATELY STRIKING NAMES FROM THE LIST OF PANEL MEMBERS UNTIL EACH SIDE HAS EXHAUSTED OR WAIVED THE PERMITTED NUMBER OF CHALLENGES.

Because most efforts to improve juror utilization depend upon a person's participation in more than one voir dire each day, the length of voir dire has a profound influence on how many times a juror can participate. When voir dire are short, an hour or less, prospective jurors can participate in as many as five or six voir dire each day. Short voir dire, staggering of trial starts, the use of multiple voir dire that is necessarily sequential, and single-day impanelments become practical expedients for courts to use to select as many juries as possible.

In comparison, with long voir dire (those running five hours or more or carried through successive days) no prospective juror can participate in more than one voir dire each day, except possibly when early challenges are released immediately from the courtrooms. Under these circumstances, a jury pool becomes merely a staging area from which persons are released. In these situations, and if trial starting times could be set with greater certainty, greater efficiency might arise from having the panels report directly to the courtroom without the intervention of a pool.

For intermediate voir dire times, those averaging between one and three hours, the use

of pools and the other methods of concentrating trial starts are questionable because the voir dire times are too long. Thus, the first information to be obtained about a court and the ability to undertake innovative methods of using jurors is the length of voir dire.

Because the useful and desirable length of voir dire is an area of legal controversy, no jury standard for it has been established. The goal of Element 11 is restricted to concentrating trial start activities through multiple voir dire and with single-day impanelment in situations where these have been demonstrated to be useful. It is important for a court to continue analyzing its voir dire and trial methods and to retain operating experience on voir dire and trial times (see the Jury Panel Usage Record discussed under Element 8).

### **Consolidating Trial Starts in Small and Midsized Courts**

Multiple voir dire and single-day impanelment are selection methods that can speed a trial calendar and economize on jury services. When several successive juries are picked on one day with trials set sequentially for future days, trials proceed as scheduled, but start with opening statements and presentation of the evidence when the jury returns and is sworn; trial day settlements and pleas, with their consequent jury cancellations, are reduced; cost savings are realized because a pool or panel of prospective jurors is used only on the day of selection; and uncertainty about the court calendar is reduced.

Whereas judges who use multiple voir dire or single-day impanelment think of these systems as a matter of convenience for the courts in expediting trial schedules, lawyers and jurors find the systems advantageous for their daily planning. As soon as jury selection is over, they know the specific day and time the trial will start. Lawyers can inform the witnesses and principals in the case and jurors are free until the trial date or, if not selected, free until notified by the court.

### **Multiple Voir Dire**

The *multiple voir dire* approach consists of a judge selecting several juries on one day with the trials set to start some days in the future. The judge may start one trial immediately following the completion of the voir dices if time permits.

Certain problems should be considered before the adoption of multiple voir dire. One is long voir dices. Long voir dices make multiple voir dire less desirable. However, it should be recognized that this procedure allows flexibility to jury selection and need not be

adopted courtwide or as a continuous practice. It may be used only on certain days or for certain types of cases.

Another problem in the use of multiple voir dire is that some cases may plea or settle on the day the jury is told to report. However, this has not usually been the situation and a telephone call-in system has provided an effective solution. In Element 7, Court B is presented as an example of a small court utilizing this procedure in its low trial activity schedule for more efficient use of jurors. The variations are as follows:

- *Courts Consisting of One to Three Judges*—On the first day of the jury term, all summoned jurors report to one courtroom. Following check-in and orientation, a sufficient number of jurors are randomly drawn, and the first jury is selected. Usually, voir dire takes place in one courtroom with one judge conducting all the voir dire through the day, but the panel can be moved to the next judge's courtroom for subsequent selections. Juror selection is random without replacement so that every person is given a first chance before anyone is selected again. Trial dates are determined prior to jury selection to avoid conflicting trial dates and to inform selected jurors when to report back.
- *Courts Consisting of Four or More Judges*—All jury trials for each week are set for one day (usually Monday). When selecting juries for the coming week, the number set is determined so that four or five cases will actually go to trial. Jurors are instructed to report to the juror assembly room or to a courtroom where they are checked in and informed of the selection procedures. To avoid depleting the pool early in the morning and to eliminate unnecessary judge waits, trial starts are staggered so that the full efficiency of the pool can be realized.

### **Single-Day Impanelment**

Under single-day impanelment (e.g., Court C discussed in Element 7), all trials scheduled for the coming week or jury term for all judges in a court are set for jury selection on a single day when enough jurors to supply the demand are brought in. On this day, those in the pool are reused frequently, with prospective jurors participating in as many voir dire as necessary. Jurors are called in only on impanelment day and then for trials in which they have been selected. However, if juries need to be selected on other days, due to scheduling,



witness, or speedy trial considerations, then a panel is randomly selected from the pool and brought in, or a standby panel is on call.

## Procedural Safeguards

Under multiple voir dire, several juries are selected from a single panel and one trial begins immediately, and the juries for the other cases report back at a later time for the beginning of another trial. Prospective jurors who served in one case may have experience that might prejudice them as jurors for another case on which they had also been selected through the use of multiple voir dire. Recent case law supports reopening the voir dire when the trial jury returns to determine if anything, including service on another jury, would change any of their original answers given in the voir dire. Some time to explore this might be required.<sup>1</sup>

Another factor recognized by the courts is the effect of a "significant delay" between the time the juror is selected versus the time when the trial actually begins. Intervals of greater than thirty-nine days have been found to be significant.<sup>2</sup>

## Voir Dire Methods

Multiple voir dire and single-day impanelments are methods of organizing voir dire. The procedures used in the selection process itself are as varied as the judges involved. There appear to be three basic variations:

- *Individual Method.* Prospective jurors are examined for bias out of the hearing of other prospective jurors. They may be examined en masse for general cause challenges or may have completed a case-specific questionnaire on this case at home or in the court. Typical voir dire questions concerning the case, parties, witnesses, or experience under similar situations are asked. Individual voir dire is usually used only for very sensitive, notorious, or high-visibility cases.
- *Panel or Box Method.* A number of prospective jurors equal to the jury size are randomly selected and take their place in the jury box. Persons struck for cause are replaced, as are persons peremptorily challenged. Those challenged step down, and a replacement is selected from the panel for the position. The

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<sup>1</sup> U.S. v. *Capua*, supra; U. S. v. Price, 573 F.2d 356 (5th Cir 1978).

<sup>2</sup> *Ibid.*

parties may not know who the next prospective juror will be. That person is then examined for cause and is then subject to a peremptory challenge. When all peremptory challenges are exercised, or both parties pass their remaining challenges, the voir dire is completed.

- *Struck Jury*. A number (or panel) of prospective jurors equal to the jury size plus the total number of peremptories permitted is chosen. After examination, any persons challenged for cause are replaced. When the panel is "cause free," the parties alternately strike names from the list of the panel. All peremptories need not be used. If all are not used, the jury is considered to consist of the first names selected that were not challenged.

If all peremptories are not used, the panel method may require fewer prospective jurors. However, the struck jury is preferred by many, because all prospective jurors to be considered are known when the peremptory challenges are exercised. The struck jury also has less movement of persons and less stigma attached to the challenging process.

No case law on general voir dire methods existed until 1986 when the Fourth Circuit addressed the struck jury method.<sup>3</sup> In that case, the court discussed the "box" and "struck" methods and held that when the panel of "cause free" prospective jurors exceeds the strikes plus the jury, the parties should be made aware of the order the court will use in selecting the jury. The struck jury method is recommended in ABA Standard 9H.<sup>4</sup>

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<sup>3</sup> *U. S. v. Ricks*, CA 4 (en banc), No. 83-5060(L), Oct. 2, 1986.

<sup>4</sup> G. Thomas Munsterman, Roger G. Strand, and J. William Hart, "Best Method of Selecting a Jury," *Judges' Journal*, 29:3 (1990), 13.

*The purpose of this element is to oversee and maintain the efficiency of the jury system operation. Information on jury system performance should be made available to all judges and court executives.*

### STANDARD 12: MONITORING THE JURY SYSTEM

COURT SHOULD COLLECT AND ANALYZE INFORMATION REGARDING THE PERFORMANCE OF THE JURY SYSTEM ON A REGULAR BASIS IN ORDER TO ENSURE

- (a) THE REPRESENTATIVENESS AND INCLUSIVENESS OF THE JURY SOURCE LIST;
- (b) THE EFFECTIVENESS OF QUALIFICATION AND SUMMONING PROCEDURES;
- (c) THE RESPONSIVENESS OF INDIVIDUAL CITIZENS TO JURY DUTY SUMMONSES;
- (d) THE EFFICIENT USE OF JURORS; AND
- (e) THE COST EFFECTIVENESS OF THE JURY SYSTEM.

Monitoring and control cover the methods by which information obtained in studying each of the previous elements is employed in controlling the jury system. Control assumes that there is a manager in charge to ensure that effective corrective action is taken. It also assumes that the data obtained in measuring such things as yields, panel sizes, panel times, and utilization are recorded properly and are analyzed. Management must ensure the records kept are used effectively and that useless records do not pile up and encumber the

management process. The drive of management should be to make those changes that are useful to the court and to refrain from change when the cost-benefit ratio does not justify it.

There are at least two levels of jury system control: at the level of the court or the state (or in the case of federal courts, the national level). At the court level, control is exercised to see that all possible actions are taken to reach the goals established. Control on this level may be exercised by the chief or administrative judge, the court executive, the jury coordinator, or by someone who can direct the elements within the court toward the desired objectives. At the state or federal level, monitoring of the jury system takes the form of exchanging information as to how well the objectives are being (or have been) met. It is a monitoring function without implication that action can be directed from that level, although some state supreme courts have had to take action to improve juror use. The higher the control, the thinner the information stream needed and the less detailed is the information required.

### **Monitoring at the State or Higher Level**

Because the information necessary for monitoring is less at the higher level, the degree of control can be approached directly. Control at this level requires consideration of the minimum information needed to serve as a relative measure of how well the constituent courts have performed. One such measure that commends itself through simplicity is the average cost per trial in jury fees. As a result of a statewide jury system management study in West Virginia, the state court administrator established a monthly reporting system for the counties. Because each court in that state pays a fee of \$15 per day, the number of jury days required per trial in each county multiplied by the fee measures the average cost per trial.

The manner in which the office of the administrative director reports on the jury system throughout the state of West Virginia is shown in Figure 12-1. The cost per jury trial statewide is \$699. Each of the county courts has different levels of sophistication, local practices, etc., and the comparison shown in the figure highlights these differences. These differences can be removed only at the local level through promulgation of the jury standards and the means to implement these standards.

Measuring cost per trial is readily accomplished within a court. Under the procedures of Element 7, the juror days per trial (JDPT) and the people brought in per trial (PBI) have been calculated. The JDPT times the daily fee (\$15 in West Virginia) is the cost per trial, whereas the PBI times the daily fee is the cost of starting the trial. In the statewide monitoring done in Florida and Pennsylvania, the PBI is one measure that is used. The

Figure 12-1

## Juror Use Reporting Form: West Virginia

COUNTY	6-PERSON TRIALS	12-PERSON TRIALS	JUROR DAYS PER TRIAL		EXPECTED PBI	PERCENT SWORN JURORS	TRIAL PREDICTION RATE %	COST PER TRIAL
				PBI				
BERKELEY	33	19	30	24	18	43%	85%	\$600
BOONE	10	7	26	26	19	41%	68%	\$520
BRAXTON	4	1	45	32	16	29%	63%	\$900
BROOKE	5	1	35	26	16	35%	75%	\$700
CABELL	51	15	18	14	17	66%	67%	\$360
DODDRIDGE	3	1	26	23	17	41%	80%	\$520
FAYETTE	3	20	48	34	24	39%	74%	\$960
GILMER	1	3	35	26	22	49%	40%	\$700
GRANT	5	1	20	16	16	55%	100%	\$400
GREENBRIER	14	6	27	23	17	44%	100%	\$540
HARDY	8	9	7	6	20	88%	100%	\$140
HARRISON	56	25	37	29	17	34%	85%	\$740
JACKSON	5	3	36	28	18	37%	89%	\$720
KANAWHA	83	19	64	38	16	24%	55%	\$1,280
MARSHALL	6	3	44	27	18	38%	100%	\$880
MASON	8	12	23	21	21	54%	80%	\$460
MCDOWELL	10	13	46	33	20	34%	70%	\$920
MERCER	24	51	40	36	21	34%	93%	\$800
MINERAL	5	0	21	16	14	51%	100%	\$420
MONOGALIA	28	6	36	20	16	45%	76%	\$720
MORGAN	5	2	47	45	17	22%	88%	\$940
NICHOLAS	17	6	32	21	17	46%	85%	\$640
OHIO	25	36	27	24	20	48%	72%	\$540
POCAHONTAS	7	3	26	25	17	39%	83%	\$520
PRESTON	11	29	24	11	22	114%	78%	\$480
PUTNAM	13	10	52	38	19	28%	26%	\$1,040
RALEIGH	26	1	40	27	14	30%	84%	\$800
RITCHIE	0	7	48	30	25	47%	44%	\$960
ROANE	6	11	28	27	21	44%	94%	\$560
TAYLOR	9	6	15	8	18	130%	44%	\$300
TUCKER	2	1	23	17	18	58%	100%	\$460
TYLER	1	0	20	20	14	40%	100%	\$400
UPSHUR	2	16	31	15	24	91%	64%	\$620
WAYNE	22	5	25	21	16	44%	77%	\$500
WEBSTER	22	4	20	19	16	47%	63%	\$400
WETZEL	1	1	31	22	20	51%	100%	\$620
WOOD	18	31	41	26	21	45%	43%	\$820
WYOMING	2	2	50	37	20	30%	67%	\$1,000
TOTAL	551	386	1,244	931	702	18.35	29.12	\$24,880
STATEWIDE PARAMETERS	617	466	35	25	19	42%	53%	\$699

federal district courts are ranked by the Administrative Office of the United States Courts by the "percent of jurors not selected, serving or challenged on their first day of jury service."

This measure combines the "not used" of Element 7 with the "not reached" of Element 8.

## **Monitoring and Control at the Court Level**

The administration within a court must be in a position to compare records for different periods of time; to measure what changes, if any, are taking place; and to determine whether actions taken have had the effect intended, such as whether a midday call-in procedure is more efficient than the prior one in which all jurors were called in the evening before. If it has not, then additional investigation is necessary either to find the reasons or to seek other means of securing the desired objectives.

During a period of jury system improvement, one court set up a jury operations room in which charts were kept updated and displayed so that everyone in the court who was interested in what was taking place could view the results. This room, thus, became the technical and the physical center for projecting the desired changes in the jury system. Although a jury operations room is not essential, the person charged with monitoring and control within a court must collect, analyze, and display the jury system operational data so that it is available to those people in the court who are affected by the jury system (see Figure 12-2).

Another means of monitoring progress is comparing the current standing with respect to each of the elements with the standards given for the element. This is shown for Court A (see Figure 12-2). A number of courts are experimenting with reporting more recent and more expositive data (see Figure 12-3).

The desire is to have a form that can be quickly completed at the end of each week by the jury manager and made available to the bench, clerk, or court administrator the next week. This form gives relative measures of the activity, prediction accuracy, cost, and juror use. By comparing these figures to the previous month and the past year, the week's performance can be examined for factors that could explain improvements or declines in performance. The comments area is for explanations of extenuating circumstances, such as large panels for long voir dices or notorious cases, weather, staff or computer problems, or reasons for exempting performance, such as concentrated voir dire activity or high levels of juror reuse.

## **Monitoring Juror Attitudes**

The jury system coordinator should not only accumulate information on court operations but also obtain information from the jurors to determine their attitudes and opinions of jury duty. For this purpose, jurors should complete a Jury Service Exit Questionnaire (see Figure 12-4).

Figure 12-2

**Jury Utilization and Management Element Profile: Court A**

Jury Utilization and Management Element Profile					
			Court	<u>A</u>	
			Date	<u>February</u>	
			Data Period	<u>1979</u>	
SYSTEM ELEMENTS	STANDARD	IS STANDARD MET?		CURRENT LEVEL	PLANNED EFFORTS
		Yes	No		
					Being Developed
1	<b>JURY SYSTEM PLAN</b>	Develop	—	√	
		Obtain approval	—	√	
2.	<b>SOURCE LIST</b>		—	—	
	- Eligible population	>85	—	√	
3.	<b>QUALIFICATION/SUMMONING</b>	Combined	—	√	73%
	- Mail	1 <sup>st</sup> class/bulk	√	—	2-step
	- Yield (total)	>40	√	—	1 <sup>st</sup> class
4.	<b>EXEMPTIONS, EXCUSES, POSTPONEMENTS</b>				
	- Class exemptions	None	√	—	None
	- Excuses	Granted for hardship	√	—	Hardship
	- Excuse Policy	Develop written	√	—	Written
	- Postponements	Allow	√	—	Allow few
	- Exclusions	Mail or phone prior to reporting	√	—	Mail
5.	<b>ORIENTATION</b>	1 <sup>st</sup> day of	—	√	Separate
		<1	—	√	90
6.	<b>TERM OF SERVICE</b>	OD/OT	—	√	One
	- Usual appearance in	One	—	√	2.5
7.	<b>JUROR UTILIZATION</b>				
	- Voir dire	≥ 100%	—	√	63%
	- Trial	≥ 50%	—	√	33%
	- Service – Peak(Overcall)	≤ 20%	—	√	36%
8.	<b>PANEL SIZES</b>				
	- Not reached	≤ 10%	—	—	N/A
	- Large	Prior notification	—	—	N/A
9.	<b>CALENDAR CORDINATION</b>				
	- Panel calls per	≥ 3	—	√	1.
	- Zero panel call	< 10%	—	√	22%
10	<b>STANDBY PANELS</b>				
	- Prediction formula	Develop	√	—	CODE-A-PHONE
	- Standby call-	Develop	√	—	None
	- Mid-day notice	Consider	—	√	
1	<b>VOIR DIRE</b>				
	- Multiple voir dire	Consider	—	√	
	- Single-day	Consider	—	√	
12	<b>MONITORING AND CONTROL</b>	<u>6-12</u>			
	- JDPT	24	—	√	45
	- PBI	18	—	√	37
	- Administrative Cost Per Juror	≤ \$5	—	√	
<b>TOTAL NUMBER OF STANDARDS MET/NOT MET/(IN QUESTION)</b>			<u>9</u>	<u>1</u>	<u>( 2 )</u>
					<u>30</u>

**Figure 12-3**

**Weekly Jury Management Report**

	Circuit _____		
	Criminal _____		
	Week of	Last Month	Goals (Summer) 1983 Level
1. Percent attending voir dire	_____	_____	32%
2. Percent requested panels used	_____	_____	N.A.
3. Juries selected weekly	_____	_____	2
4. Jury Costs (weekly)	_____	_____	\$1,734
5. Cost per Trial (Juror Fees Only)	_____	_____	\$867
6. Comments			

Definitions:

- 1) Percent attending voir dire. Of those brought to the pool each day, what percent attended a voir dire?
- 2) The percent of the number of panel requests pending as of 4 PM the preceding day, which were actually sent to the courtrooms.
- 3) The number of juries selected.
- 4) Total jury fees and mileage for week.
- 5) Total jury fees divided by the number of juries selected (line 3).
- 6) Comments: (include such things as large panels, long voir dire, notorious cases, weather, staff, staff or computer problems, complaints from judges, and days when prospective jurors were brought to the court but were not needed, which is a "Zero Day," which affected utilization that week.)

This questionnaire provides useful information about jurors' views of the courts and indicates improvements that can be made. The advantage of using the questionnaire as presented is that it has been used in many courts, which provides for comparative information. When desired, additional questions may be added. Courts wishing to add questions should be sure that the juror has a proper frame of reference. For instance, when jurors were asked "What should the term of service be?" the majority responded whatever they were currently serving, signifying that they had no independent thoughts on the subject. Such subjects should not be used on the questionnaire.



One problem, however, with using the questionnaire is ensuring a broad response. If prospective jurors report each day, then the questionnaire is given on the last day of the term. As courts become adaptive and call in jurors only when needed, the last date of appearance of those jurors is often not known. The following methods have been used to reach all those who have served:

- In one-trial courts (i.e., jurors are dismissed after one trial), the questionnaires are given out in the courtroom to those selected and by the jury clerk to those not selected.
- The questionnaires are given out in stamped envelopes at the beginning of the term and the jurors are asked to fill it out after service is completed.
- The questionnaires are prestamped (or postage permit used) and included with the checks. However, this has the disadvantage of the time lapse from the last service to questionnaire preparation.

### **Analysis of Exit Questionnaire**

Before the exit questionnaire responses are tabulated, a presort may be used to reveal any differences among the responses of several groups. Different groups to consider are (see Figure 12-4):

1. Those with differing attitudes based on question 8. For example:
  - a. Same favorable—no change
  - b. Same unfavorable—no change
  - c. More favorable—good experience
  - d. Less favorable—bad experience
2. Those with differing experience.
  - a. Selected vs. not selected as a juror—question 4
  - b. Lost vs. did not lose money—question 7
  - c. More than 50 percent vs. less than 50 percent waiting—question 2
  - d. Male vs. female
  - e. Young vs. old

The questionnaire should be presorted according to these divisions and possible subdivisions; i.e., eight groups based on questions 4 and 8. Then the responses are tabulated on a form similar to that given in Figure 12-5. While computer screening, tabulation, and analysis are possible, courts should screen at least 200 questionnaires by hand to determine if this process is necessary.

**Figure 12-4**

## Jury Service Exit Questionnaire with Results

Your answers to the following questions will help improve jury service. All responses are voluntary and confidential.

1. Approximately how many days did you report to the courthouse? 3
2. What percent of your time at the courthouse was spent in the jury waiting room? 52 %
3. How many times were you chosen to report to a courtroom for the jury selection process? 1.8
4. How many times were you actually selected to be a juror? 0.9
5. Have you ever served on jury duty before? Yes, 15% How many times? 2.2
6. How would you rate the following factors? (Answer all)

	Good	Adequate	Poor
A. Initial orientation .....	94%	5%	1%
B. Treatment by court personnel .....	95%	5%	—
C. Physical comforts .....	46%	38%	16%
D. Personal safety .....	98%	2%	—
E. Parking facilities .....	100%	—	—
F. Eating facilities .....	32%	36%	32%
G. Scheduling of your time .....	40%	23%	37%

7. Did you lose income as a result of jury service? — Yes 18% How much? \_\_\_\_\_  
— No 82%

8. After having served, what is your impression of jury service? (Answer one)

- A. The same as before—favorable? — 43%
- B. The same as before—unfavorable — 6%
- C. More favorable than before? — 46%
- D. Less favorable than before? — 5%

9. In what ways do you think jury service can be improved?

41 % of comments criticized the jury selection and the scheduling process.

The following information will help evaluate the results and responses to this questionnaire:

10. Age:           18-20       21-24       25-34       45-56       55-64       65-over  
                  — 0%       — 5%       — 14%      — 11%      — 26%      — 14%
11. Sex:           — Female 53%  
                  — Male 53%
12. Occupation:       30% white collar; 51% blue collar; 10% housewives; 7% retired.

Tabulations for twenty questionnaires are shown in Figure 12-5. The order is by response to question 8. An analysis from a tabulation sheet such as this requires only vertical summations or distributions.

A review of Juror Exit Questionnaires from various courts suggests that jurors are surprisingly complacent about their jury service, for despite the marked differences in time spent at court, number of trials served, and fee paid, some 90 percent of them respond that their impression of jury service was "favorable" or "more favorable than before." Although no standard is given, it is apparent that unless a court reaches a level of 90 percent favorable, something needs to be corrected in its treatment of jurors.

Usually, the jurors appreciate the questionnaires, for they provide a means of communication to the courts. Their comments are well worth reading and passing on to judges and court administrators. However, responses to the questions seem to be so patterned that little

Figure 12-5

Exit Questionnaire Tabulation Sheet

EXIT QUESTIONNAIRE TABULATION SHEET																										
RESPONDENT	1	2	3	4	5		6							7		8	10	11	12							
	Days Spent	% Waiting	Times to Ctm	Times as Juror	Jury Duty	Times Served	Orientation	Treatment	Comforts	Safety	Parking	Eating	Scheduling	Income Loss	How Much?	Impression	Age	Sex	Occupation							
1	25	20	5	3	Y	2	1	1	1	1		1	1	N		A	F	F	H							
2	24	90	4	2	N		1	2	3	1	3	2	3	N		A	B	F	S							
3	7	33	7	4	N		2	1	2	1		2	1	N		A	F	F	H							
4	20	80	9	2	Y	1	1	2	2	2	3	1	2	N		A	C	F	WC							
5	20	55	12	6	N		1	1	1	1	1	1	1	N		A	C	F	WC							
6	20	65	5	3	N		1	2	2	1	3	2	3	N		A	C	M	BC							
7	20	50	2	1	Y	2	1	1	2	2	3	2	2	N		A	E	M	WC							
8	23	64	6	1	Y	4	1	1	3	2	3	3	3	N		B	E	M	BC							
9	16	75	6	2	Y	2	1	1	3	1	3	3	3	N		B	E	F	BC							
10	16	12	7	3	N		1	1	1	1		2	3	N		C	E	F	BC							
11	16	20	7	5	Y	2	2	2	3	2		1	3	N		C	G	F	H							
12	17	50	8	2	N		2	2	3	2	2	2	3	N		C	C	F	S							
13	13	10	7	3	N	4	1	1	2	1		2	3	Y	\$80	C	G	M	R							
14	27	60	4	4	N		1	1	1	1	1	1	1	N		C	E	M	BC							
15	27	87	15	5	N		1	1	1	1	2	1	1	N		C	E	M	BC							
16	30	71	55	2	N		1	1	2	2	3	1	1	N		C	C	M	BC							
17	15	20	9	8	N		1	2	3	2	2	2	3	N		C	D	M	WC							
18	23	75	20	1	N		3	1	2	2	3	2	3	Y	50%	D	D	F	WC							
19	27	50	7	4	N		2	1	3	3	3	2	3	N		D	F	F	H							
20	24	84	13	3	N		2	1	2	2		2	3	Y	\$100/wk	D	C	M	BC							
Number Responding	20	20	20	20	20	7	20	20	20	20	13	20	20	20	3	20	20	20	20							
Averages	205	54	10	3																						
Distributions (Number)	7-30	10-90	2-55	1-188	y7 n13		+14 o5 -1	+14 o6 -0	+5 o8 -7	+10 o9 -1	+1 o3 -9	+7 o11 -2	+6 o2 -12	Y3 N17	+ o -	A7 B2 C8 D3	(a) 0 (b) 1 (c) 5 (d) 2 (e) 6 (f) 3 (g) 2	F 11 M 9								

more is learned after the first 200 responses have been tabulated. Therefore, to conserve clerical effort in tabulating questions, a random sample of about 200 questionnaires tabulated every quarter may be adequate as a measure of the jurors' response.

## **Jury System Notebook**

To assist in monitoring and control, and to meet legal challenges to the jury system, jury managers may find a loose-leaf notebook useful for keeping all pertinent information. Suggested materials might contain a copy of the program plan, the names and numbers of those involved in the program, the periodic reports prepared, the forms used, the cost and inventory positions, press releases, statutes, case law, and other relevant material. With such a notebook, the jury coordinator will be able to see the dimensions of the program and be able to answer all inquires with respect to it (see Figure 12-6).

**Figure 12-6**

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### **Proposed Jury System Notebook**

#### **SECTION**

##### **1. PROFILES**

- 1.1 General Court Profile
- 1.2 Jury System Plan

##### **2. PERIODIC AND SPECIAL REPORTS**

- 2.1 Monthly Reporting of Jury System Activity
- 2.2 Source List and Master List Selection
- 2.3 Qualification and Summoning Yield Computation Worksheet
- 2.4 Juror Utilization
- 2.5 Panel Utilization
- 2.6 Exit Questionnaires

##### **3. SUPPLIES**

- 3.1 Inventory of Forms Used

##### **4. PHONE NUMBERS**

- 4.1 Listing of Phone Numbers and Addresses Used Frequently

##### **5. BUDGET/COST ANALYSIS**

- 5.1 Cost Analysis Memo
- 5.2 Jury System Price List

##### **6. PLANNING**

- 6.1 Planning Worksheet
- 6.2 Jury System Management Plan

##### **7. STATUTES**

- 7.1 Current Jury Selection and Service Statutes
- 7.2 Legislation and Case Law

##### **8. COURT-RELATED NEWSLETTERS**

##### **9. PRESS RELEASES/NEWS CLIPPINGS**

## Administrative Costs

When any change to a system is proposed, the first question is usually, How much will it cost? This question can be divided into two parts: How much will it cost to implement the proposed change? and How much will it cost to operate the system once the change is made? This section deals with the latter question, that of operational (or administrative) costs. Administrative costs are often the hidden part of the price of running a jury system. The cost of jury fees to the court seems more tangible and easier to understand than the administrative cost. The jury fee can be easily compared with the average wage to get an idea of the extent to which the court is reimbursing jurors, or it can be compared with per diem expenses to see how the court meets these expenses.

Administrative costs, on the other hand, are largely ignored by all but a few jury managers. In some courts, the cost of getting a juror to the courthouse exceeds the fees paid to the jurors. In well-run courts, administrative costs are one-half to one-quarter of the jury fee costs. Administrative costs can be difficult to analyze, and even when courts have successfully derived the costs of an entire jury system, it is not always evident what should be done with the figures. The problem stems from a lack of knowledge of what a jury system costs to operate. The problem is made more difficult because every jury system is different: procedures are different, wage scales are different, court sizes are different, and levels of manual and computer support are different. It is nearly impossible to compare the cost of the "excusal" process or the "summoning" process from court to court to find out what these procedures should cost to run. The summoning process cost in a large court that uses a simple, combined qualification and summoning form will be drastically different than the summoning process cost in a small court that has a separate qualification and summoning process and repetitive paperwork. Still, it seems that all courts do basically the same thing; i.e., bring qualified citizens into the court to serve on jury duty. Therefore, it should be possible to measure and evaluate the costs of operating such a system.

Data collected from courts have shown that there is a measure for evaluating administrative costs—the *administrative cost per juror*. In general, the administrative cost is computed by adding the annual costs of personnel, data processing, forms, and mailing and dividing by the annual number of persons reporting to the court for jury duty. The cost of the system is evaluated by budget category—not by individual process. The values fall within the \$5 to \$20 range, but the most efficient courts operate at an administrative cost of less than \$5 per juror.

Analysis of the administrative cost per juror shows that efficiency is not related to court

Table 12-1

**Administrative Cost Comparison Between Large (Harris County) and Small (Buncombe County) Courts**

Category	Harris County, Texas	Buncombe County, North Carolina
Personnel	\$117,831	\$15,300
Data processing	7,942	2,000
Forms	11,780	300
Mailing	42,075	1,950
Other	80,758*	---
Total administrative cost	\$260,386	\$19,550
Jurors per year	103,873	7,000
Administrative cost per juror	\$2.51	\$2.79

\* Includes other personnel, supplies, rent and utilities ]—these figures are not typically included in the administrative cost; without them, Houston's administrative cost per juror would be \$1.94.

size. For example, administrative costs per juror in Harris County (Houston, Texas) and Buncombe County (Asheville, North Carolina) are very close (see Table 12-1). Although these courts are of greatly differing size, they both have combined qualification and summoning, a one-day/one-trial term of service, a computerized summoning process (panel lists, however, are not computer printed), and very simple paperwork.

Based on these two counties and cost data collected from others, courts should be able to achieve the proposed program standard of an administrative cost per juror of \$5 or less.

**Assessing Administrative Costs**

Although it is possible, and may even at some time be desirable, to cost out each separate step of the jury system process, it is very time-consuming and generally not useful. Personnel, paperwork procedures, and other functions usually overlap to such a degree that it is difficult to isolate one step from another. A better, more general approach is to break the costs into categories of personnel, data processing, forms, mailing, etc. With a knowledge of these costs, existing system procedures, and the procedures explained in this manual, an administrator can normally spot inefficiencies in the system without having to develop a step-by-step cost analysis. Given below is a brief description of the cost categories used. A form that may be used to collect these data (including proposed and start-up costs), as completed by a court in California, is shown in Figure 12-7.

- *Personnel*—Typically comprises about 70 percent of the jury system administrative budget. The personnel required to operate an efficient jury system has been empirically derived from the experience of many courts:
  - a. One person screening 2,000 forms per week; 40,000-50,000 per year
  - b. One person to operate a jury lounge for up to 200 jurors

Figure 12-7

## Example of Completed Cost Form

### JURY SYSTEM COSTS

County/Court \_\_\_\_\_ Fiscal Year 1979-80

Date December 15, 1980 \_\_\_\_\_ State Costs  
 \_\_\_\_\_ County Costs

### ADMINISTRATIVE COSTS

Category	Present		Proposed	
	Description	Annual Cost	Description	Annual Cost
Personnel	Chief Dputy Clerk	\$45,300	Same	\$45,300
Data Processing	2 Dputy clerks			
Forms	Data entry/comp. time, etc.	\$8,300	Same	\$10,000
Mailing	Ques/Summons NTA	\$7,700	Combined Q/S	\$9,760
Other	Ques/Summons NTA	\$12,200	Combined Q/S	\$5,000
TOTAL \$73,500			TOTAL \$70,060	
Number of Jurors Per Year		<u>6,580</u>		
Administrative Cost Per Juror		<u>\$11.17</u>		

### JUROR FEES AND MILEAGE

Category	Present		Proposed	
	Juror Days	Cost	Juror Days	Cost
Fees	38,500	\$192,500	29,600	\$148,000
Mileage	---	\$ 92,000	---	\$ 78,300
Total		\$284,500	Total \$226,300	
Number of Trial Starts Per Year		<u>1979 - 360; 1980 - proj. 271</u>		
Cost Per Trial (Fees and Mileage)		<u>\$790 (1979); \$835 (1980)</u>		

### SUMMARY

Category	Present	Proposed	Difference
Administrative	\$ 73,500	\$ 70,060	\$ 3,440
Fees and Mileage	\$284,500	\$226,300	\$58,200
TOTAL	\$358,000	\$296,360	\$62,600

### START-UP COSTS

Category	Description	Cost
Personnel	One extra help	\$ 5,000
Equipment	Programming/Feasibility Study	\$11,000
Facilities	AV Equipment/Telephone	\$ 3,650
Other	Answering Device	
Total		\$19,650

- c. One additional person to answer telephones and do general office work
- *Data Processing*—Typically 15 percent of the jury system administrative budget, but in some cases zero if the court is not charged by the county for computer time.
- *Forms and Mailing*—Typically 15 percent of the budget. The cost of forms depends on volume and format (i.e., printed, snap-out, etc.). Mailing costs are according to the postal rates for first-class, first-class/presort, bulk, certified, etc.

There are no strict guidelines for collecting and analyzing these cost data. For instance, courts that are not charged for data processing by their county may or may not wish to include an estimate of the amount they would be charged by a commercial firm for the same services. A court dissatisfied with its present computerization would want to estimate the costs of the "free" court computer support to determine whether they would wish to pay for the same services from a commercial firm or perhaps buy their own standalone jury automation system.

### **Jury System Design**

Jury system procedures have traditionally come about through the process of satisfying the requirements of statutes, court rules, and circumstances over many years. Jury systems that have evolved in this manner are often not systems at all but merely a menagerie of procedures, which are often redundant, repetitive, and costly. One of the principal efforts of this manual is to treat the jury system as a system—with integrated parts and unified management. For a manager who is designing a jury system as a unified system, the administrative cost should serve as a focal point.

The principal jury system design question becomes: "How can the jury system be designed so that qualified jurors are brought in to the court at the lowest possible cost—\$5 or less per juror?" Because courts all over the country, Houston and Asheville among them, have already answered this question, jury system design is no longer a mystery. The practices of sound management are available both in this manual and in the experiences of many courts. Courts who have labored under fragmented administration and procedures now have the technology available for designing a low-cost system—one that can be proven low cost by a calculation of the administrative cost per juror.



# Jury System Management

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## Appendix

### Example Jury System Management Plan and Forms

#### 1. APPLICABLE STATUTES AND AUTHORITY

This plan is established in response to Public Law \_\_\_\_\_ and shall be used in the State of \_\_\_\_\_ in this court of general and limited jurisdiction, which conducts jury court of general and limited jurisdiction, which conducts jury trials. The plan has been approved by all judges appointed as of \_\_\_\_\_, 19\_\_.

The purpose of this plan is to (1) implement applicable jury system statutes, (2) document the operation of the jury system, (3) identify responsibilities of each person making the jury system operation work, and (4) describe procedures for the collection and analysis of data necessary for the efficient management of the jury system.

##### 1.1 Annual Review

Annually, this plan will be reviewed by a committee comprising the presiding judge, the court administrator, the clerk of the court, the jury commissioner, and the jury clerk. To facilitate the review, the jury clerk and court administrator will summarize the monthly reports and provide the summary to the committee. The committee will review the reports and develop recommendations with respect to the necessity and desirability of modifications to this plan, which will be submitted to the judges of the court for approval.

#### 2. SOURCE LISTS

##### 2.1 Annual Review

Before generation of each new master list, the adequacy of the source lists currently being

used will be examined. Consideration will be given to the availability of new lists and their capacity for providing the greatest practicable number of potential jurors to the court.

2.2 Source Lists Used

The complete \_\_\_\_\_ County voter registration list will be duplicated and provide the principal source of names for selecting prospective jurors. This list is supplemented by the motor vehicle drivers' list to balance the cross-section and ensure the greatest extent of the inclusiveness of the eligible population.

The two source lists are stored on computer disks and are combined for use in the computer. The computer will then compare the names on the two lists and eliminate any duplicates that appear, using the predetermined matching criteria. The result of this process is a single merged list in which the level of duplications is less than 2 percent.

<u>Source List(s)</u>	<u>Size</u>	<u>Source and Date</u>
<b>Voter</b>	_____	_____
<b>Driver</b>	_____	_____
<b>Other</b>	_____	_____
<b>Unique names (if multiple lists are used)</b>	_____	_____
<u><b>Eligible Population</b></u>		
<b>18 and over</b>	_____	_____
<b>Other</b>	_____	_____
	_____	_____

2.2.1 Elimination of Deceased and Disqualified Names

The combined list will be compared to the most recent list of death certificates provided by the Register of Deeds. Any duplicates will be automatically purged from the raw list by the computer.

From the list of those persons convicted of felonies and those declared mentally incompetent during the past \_\_\_ years, these names will be keypunched and entered into the computer. The machine will then compare these names against the combined list and purge from its names of persons disqualified to serve on jury duty.

The names and service records of jurors who served during the period \_\_\_\_\_, 19\_\_ through \_\_\_\_\_, 19\_\_ will also be prepared for input and then compared with those in the combined file. The computer will be programmed to skip the name of a citizen who has served within \_\_\_ months of the date for which names are drawn.

### 2.3 Master List Generation

After the source lists are combined, duplicates eliminated, and disqualified individuals purged, the master list will be produced by using the complete randomization technique and shall be generated at least once each year.

## 3. QUALIFICATION AND SUMMONING

### 3.1 Selection Process

Qualifying and summoning prospective jurors from the master list will be performed as one integrated process. One month prior to each jury term, the jury clerk will determine the number of potential jurors to summon, based on the usual summons yield and the anticipated calendar load. The court will issue an order requesting the data-processing office to select the correct number of names from the master list and to print and transmit the data mailer summonses to the individuals selected.

#### 3.1.1 Randomization - Method of Selection

Before the selection process is begun each month, the master list will be updated. No new names will be added to the file, but deletions will be made on the list where required. The names of those persons whose deferred service date falls within the month for which selection is being made, and is more than 30 days from their initial service date, will be added to the list of jurors for that date. The names of these jurors will be distinguished on the list from those selected at random.

The selection process, using the complete randomization technique, will be performed by the computer drawing names from the master list. This selection method implies that each name from the combined source list is assigned or already has associated with it a number, which is matched to a computerized random number generator or to a random number table as a means of selecting a subset or sample.

After the selection process has been completed, the computer will alphabetize the names under each service date and print the list of all jurors to be summoned for the month by service date.

### 3.2 Summons Schedule

Persons whose names are selected from the master list will be summoned for duty at least \_\_\_\_ days prior to the session of court summoned for. The first group of names

generated in the selection process will be summoned on the first court day in the month and so on until a sufficient number of names has been selected for each term.

### 3.2.1 Specifications of forms

The qualification/summoning forms package generated by the computer will include:

- a summons
- a response form for juror use in reporting disqualification or requesting excuse by mail
- a blank information card to be completed prior to reporting and submitted by arriving jurors on the first day of service
- an information sheet

The information sheet transmitted with the summons provides the juror with information about transportation, facilities, emergency telephone number, and a brief outline of his/her duties. All forms will elicit only information necessary to determine the qualification of the prospective juror and will not be made public until he/she has been summoned and has appeared at the courthouse.

The information sheet transmitted with the summons provides the juror with information about transportation, facilities, emergency telephone numbers, and a brief outline of his/her duties. All forms will elicit only information necessary to determine the qualification of the prospective juror and will not be made public until he/she has been summoned and has appeared at the courthouse.

The summons forms designating "standby juror" status will instruct the prospective juror to telephone a special number after 5 pm of the evening prior to his/her service date to 8 am that morning.

### 3.2.2 Delivery and Follow-up

The integrated summons and qualification form and other prereporting material will be transmitted by first-class mail. Secondary and subsequent notices to those not responding will be sent by first-class or certified mail. As provided by Public Law \_\_\_\_\_, truant jurors may be required to appear before the court to show cause.

### 3.3 Qualification/Summoning Paperwork Procedures

Table 1 outlines the paperwork schedule of the qualification/summoning and service phases.

Table 1

## Paperwork Schedule: Qualification/Summoning and Service Phases

PHASE	DATE	COMPUTER	ACTION
Source list	November	Source list preparation	
Master list	November	Master list selection - Printout (n)	Copy to court
Term list	December- November;	Term selection	Copy to court
Summons	Each month ↓	Summons package (mailed): - General information - Qualification/Excuse form	Citizen receives package, keeps for reference, and returns to court
		Input only information needed for follow-up: - Notices - Postponements - Address changes, etc.	Court screens qualifications/excuse form. Court records all dispositions on term list
Follow-up	Periodically	Only those necessary (postponements, additional notices, address changes, etc.)	Citizen receives second notification
Service	OD/OT	Summons	Citizen brings to court Court checks summons
Attendance	Each day of service	Inputs attendance information	Citizen brings to court Court uses for: 1. Attendance 0 first and subsequent days 2. Panel list formation 3. Certificate of services
Panel list formation	On demand	Printout of panel lists	Citizen to courtroom
Payroll	Upon dismissal	Payroll-issues checks and certificate of service	Citizen dismissed at end of term; citizen receives
Follow-up	Periodically	Follow-up notices	Citizen appearance at court

#### 4. DISQUALIFICATION, EXEMPTION, EXCUSE, AND POSTPONEMENT POLICY

##### 4.1 Disqualification

Disqualification shall be as provided in Public Law \_\_\_\_\_.

##### 4.2 Exemption

In accordance with Public Law \_\_\_\_\_, there shall be no class exemptions.

##### 4.3 Excusal

The authority for granting and denying requests for excuse is delegated to the jury clerk by the presiding judge. The written excuse policy of the court will be followed at all times.

As specified in the court's written excuse policy, the only grounds for excuse are extreme hardship and serious medical situations. Excuses may only be requested after a person has been summoned for jury duty. If it is the court's opinion that the excuse status of an individual may change, his/her name will be reentered on the master list. Requests for excuse may be made by telephone or by mail prior to reporting.

##### 4.4 Postponement

Requests for postponement of jury service to a future date will be granted at the discretion of the court. Deferrals are evenly distributed each day such that \_\_\_\_ deferrals slots are allowed. Since those deferred average a 90 percent show-up rate, the number deferred is recorded daily so that the number of prospective jurors summoned can be called off via the telephone-answering machine the night before.

##### 4.5 Monitoring Summoning Yield

The summoning yield from each summoning period will be entered on the yield computation worksheet. These figures will be included in the periodic reporting and variations beyond reasonable limits will be investigated.

## 5. ORIENTATION

### 5.1 Check-in Procedures

Juror check-in and orientation will be completed in less than one hour on the first day of attendance for anticipated assignment to voir dire. As they report, prospective jurors will be required to hand in their completed information card. These cards will provide a record of those reporting and will be photocopied during orientation to create a random list of juror names for use in the courtroom. The original cards and duplicated lists accompany the orientation to create a random list of juror names for use in the courtroom. The original cards and duplicated lists accompany the jurors to the trial court to which they are assigned. As jurors are checked in, they will be handed a juror handbook, juror badge, and a slip of paper indicating their panel assignment number.

### 5.2 Juror Assembly Room

The venire or assembly of prospective jurors in the juror assembly room will be the responsibility of the jury clerk. The juror assembly room will be provided with reading materials and comfortable accommodations. Jurors will not be required to remain in the courthouse longer than necessary and will be dismissed when no longer needed. Friends and relatives of jurors will be allowed in the assembly room as long as space is available and with the understanding that their names are to be provided to the jury clerk.

### 5.3 Orientation

After prospective jurors are checked-in, they are welcomed by the jury clerk and/or a trial judge. A videotaped presentation will follow, informing the juror of trial procedures and what to expect during their term of service. After the presentation, the jury clerk will briefly familiarize jurors with rules of conduct, available facilities, and assembly room procedures. Time will be provided for answering questions from the prospective jurors.

## 6. TERM OF SERVICE

### 6.1 Term

The term of service is one day/one trial and shall not exceed one day unless this would prevent a juror from fulfilling his/her obligation to a trial on which he/she has been selected.

It is the court's opinion that the one-day/one-trial term of service minimizes the length of time during which prospective jurors' personal lives are disrupted by jury service and/or the uncertainty of the possibility of service.

## 7. JURY POOL OPERATION/JUROR PAYMENT

### 7.1 Jury Pool Procedures

The number of jurors reporting to the pool daily will be only as large as necessary. Following panel assignment and return from voir dire of those challenged or not reached, unselected jurors will wait for their next panel assignment in the juror assembly room. Those persons selected and retained as the trial jury remain under the jurisdiction of that particular trial court for the duration of the trial.

As soon as all judges who have trials scheduled have either taken panels or notified the jury clerk that panels will not be needed, jurors will be released. Selected jurors are dismissed from service following the completion of the trial.

### 7.2 Operating Records

The daily transaction sheet will be kept for each day of jury for analysis. The calculated juror utilization measures will then be compared to the element standards. Where performance is measured to be below a standard, examination will be made of alternative juror assignment and scheduling methods to determine what improvements will result in meeting the standards.

### 7.3 Juror Payment

Each person who reports for jury duty shall receive \$\_\_\_ per day and \_\_\_¢ per mile traveled to and from the courthouse. Jurors who are instructed via the call-in system not to appear and are not needed that day shall not be paid.

The jury clerk is responsible for providing an accounting of the number of days and the amount of compensation due. The service worksheet will be the primary document for entering the service data into the computer. The mileage for each juror has been pre-computed by the farthest distance in each zip code. At the end of each week, the jury clerk shall submit to the \_\_\_\_\_ jurors continuing in service and those dismissed each day. The computer automatically computes the payment a juror is to receive



based on the number of days of service and mileage and mails the check along with a certificate of service for the juror's employer.

## 8. JURY PANELS

### 8.1 Panel Selection and Panel Lists

As prospective jurors report in the morning to be checked in, the jury clerk will randomly assign each prospective juror to a panel. Panels will be used in succession until each prospective juror has been sent out to one voir dire. Thereafter, the names of available jurors will be randomized before panel reassignment to ensure equal opportunity for voir dire attendance.

The necessary number of copies of the panel list will accompany the panel to the courtroom; one copy will be annotated by the court clerk identifying jurors chosen and challenged during voir dire and will be returned to the jury clerk for recording on the jury panel usage record. The Chief Judge may order the names of the venire to be kept confidential in a case where the interests of justice so require. He may also request that information only on those on the panel be released to counsel.

### 8.2 Panel Sizes

In criminal cases (12-member juries), a panel consists of 30 to 40 persons and in civil cases (6-member juries), a panel consists of 18 to 24 persons. Generally, a judge will impanel one or more extra or alternate jurors in case a juror shall become ill or be excused because of an emergency. The alternate jurors are not designated until immediately prior to jury deliberation. At that time, they are randomly selected from all the members of the jury, except the foreperson.

### 8.3 Special Panels

Procedures for trials requiring larger than standard panels or for notorious trials should be discussed on an individual basis with the jury clerk. Prior notification by the judge's office of the need for a special panel is vital so that the jury clerk can determine an adequate number of jurors to call in. Extraordinarily large panels may be sent in increments with juror groups notified when to report by the telephone-answering machine and scheduled to start during off-peak hours.

## 9. CALENDAR COORDINATION

### 9.1 Determination of Juror Call-in

The determination of the number of jurors to call in daily varies upon consideration of such factors as

- (1) The number of civil and criminal cases anticipated to start
- (2) The number of judges and courtrooms available
- (3) The measures of court activity; e.g., average number of trial starts per day of the week

To determine the number of jurors to call in daily, the jury clerk relies upon outside information sources such as the civil and criminal trial assignment offices and the prosecutor's office. From these information sources, the jury clerk makes an educated guess as to the number of trial starts expected the next day and bases the juror call-in number on this estimate. The cooperation of the information sources with the jury clerk is important to establish the reliability of these estimates.

### 9.2 Juror Call-in Formula

Once the number of trials anticipated is determined, the jury clerk follows a prediction formula. For example, if one or two trial starts are anticipated, enough jurors for one panel are instructed to report; if three panels are anticipated, enough jurors for two panels are instructed to report, and so on to avoid juror overcall on any one day.

### 9.3 Trial Start Prediction Accuracy

The jury clerk will record daily on the transaction sheet the number of trials anticipated versus trial starts and the adequacy of the juror call-in. This data will indicate the reliability of the trial start prediction and whether the juror call-in formula needs improvement.

## 10. STANDBY JURORS

### 10.1 Call-in Procedure

Approximately half of the prospective jurors summoned Monday through Wednesday and all jurors on Thursday and Friday are designated as standby jurors. On the summons an "X" in the appropriate box designates whether the prospective juror is regular or standby and, if designated as standby, to call a special telephone number after 5 pm the night before

his/her reporting date. The telephone recording instructs whether they will be needed the next day.

### 10.1.2 Voluntary "Standby" Jurors

Those prospective jurors who report in the morning, whether as standby jurors or regular, and live or work near the courthouse, are permitted to return to their homes or jobs for call from the jury clerk during periods of high and unexpected demand. These "standby" jurors can be called quickly by telephone to report back to the courthouse within 20 minutes. They are paid only if they report back.

## 10.2 Selection of Standby Jurors

The following are procedures for selection and recycling of standby jurors.

### 10.2.1 First Random Order

Those names selected randomly from the top of the master list for each day will be designated as standby jurors following the standby numbers determined for each day of the week.

### 10.2.2 Recycling of Unused Standby Jurors

When the next day's trial start prediction indicates that all or some standby jurors are not needed, the call-in message will instruct the appropriate number not to report as summoned. The call-in message will then relay a deferral date 60 days from the original summoning date. Similar to the mailing schedule of the first summons, a second summons will be received \_\_\_\_\_ days prior to the date they have been deferred to.

## 11. VOIR DIRE

### 11.1 Voir Dire Procedures

Each side has an unlimited number of challenges for cause. The number of peremptory challenges allowed each side ranges from \_\_\_ in most civil cases to \_\_\_ in murder cases, according to Public Law \_\_\_\_\_.

A party may waive in advance any or all of its peremptory challenges and the number of jurors called pursuant to Public Law \_\_\_\_\_.

## 12. MONITORING AND CONTROL

### 12.1 Maintenance of Jury System Records

The data collection forms listed below shall be maintained by the jury clerk for the purposes of (1) overseeing and (2) maintaining the efficiency of the jury system operation. This data collection will provide the means to determine the level of juror utilization achieved.

Yield Computation Worksheet

Daily Transaction Sheet and Monthly Juror Utilization Sheet

Jury Panel Usage Record and Summary

Exit Questionnaire and Tabulation Sheet

Annual and Monthly Administrative Costs Sheet

### 12.2 Jury System Performance

The utilization data collected will be analyzed and compared to the following jury system standards. Where performance does not meet a standard, changes in present operations will be evaluated and detailed in an action plan.

	6- 12-Member	
JDPT	24	40
PBI	18	30
Percentage to Voir Dire		100%
Percentage to Trial		50%
Overcall Panel Calls Per Day		3%
Zero Panel Call Days		10%
Administrative Cost Per Juror		\$5

### 12.3 Periodic Reports

The jury clerk will prepare a monthly juror utilization report comparing performance to the standards. This report will be circulated to the judges and the court administrator and will form the basis of the annual review of the jury system performance presented to the committee. Using last year's cost data and utilization measures, a comparative analysis will be made with this year's jury system performance.

Sample Form

## Jury Utilization and Management Element Profile

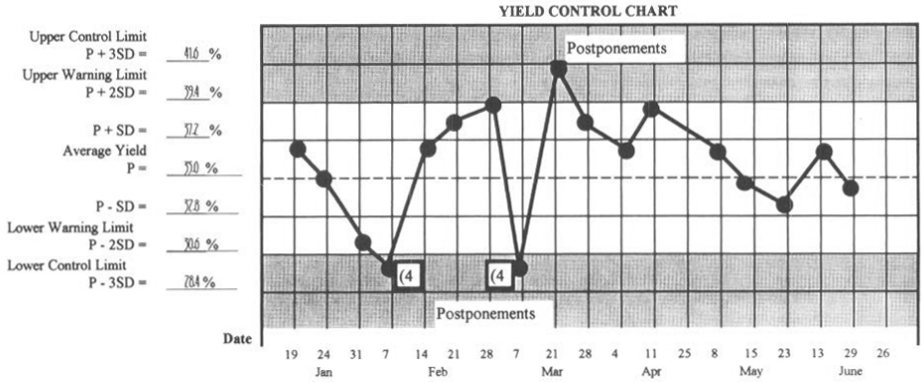
### Jury Utilization and Management Element Profile

Court \_\_\_\_\_  
 Date \_\_\_\_\_  
 Date Period \_\_\_\_\_

	<u>SYSTEM ELEMENTS</u>	<u>STANDARD</u>	<u>IS STANDARD MET?</u>		<u>CURRENT LEVEL</u>	<u>PLANNED EFFORTS</u>
			<u>Yes</u>	<u>No</u>		
1	<b>JURY SYSTEM PLAN</b>	Develop	-		_____	_____
		Obtain approval	-		_____	_____
2.	<b>SOURCE LIST</b>		-	-	_____	_____
	- Eligible population coverage	>85%	-		_____	_____
3.	<b>QUALIFICATION/SUMMONING</b>	Combined	-		_____	_____
	- Mail	1st class/bulk	-		_____	_____
	- Yield (total)	>40%	-		_____	_____
4.	<b>EXEMPTIONS, EXCUSES, POSTPONEMENTS</b>		-	-	_____	_____
	- Class exemptions	None	-		_____	_____
	- Excuses	Granted for hardship only	-		_____	_____
	- Excuse policy	Develop written	-		_____	_____
	- Postponements	Allow	-		_____	_____
	- Exclusions	Mail or phone prior to reporting	-		_____	_____
5.	<b>ORIENTATION</b>	1st day of attendance	-		_____	_____
		<1	-		_____	_____
6.	<b>TERM OF SERVICE</b>	OD/OT	-		_____	_____
	- Usual appearance in	One day	-		_____	_____
7.	<b>JUROR UTILIZATION</b>		-	-	_____	_____
	- Voir dire attendance	≥100%	-		_____	_____
	- Trial attendance	≥ 50%	-		_____	_____
	- <u>Service - Peak</u> [Overcall]	≤ 20%	-		_____	_____
8.	<b>PANEL SIZES</b>		-	-	_____	_____
	- Not reached	≤ 10%	-		_____	_____
	- Large	Prior notification	-		_____	_____
9.	<b>CALENDAR CORDINATION</b>		-	-	_____	_____
	- Panel calls per	≥ 3	-		_____	_____
	- Zero panel call	< 10%	-		_____	_____
10	<b>STANDBY PANELS</b>		-	-	_____	_____
	- Prediction formula	Develop	-		_____	_____
	- Standby call-	Develop	-		_____	_____
	- Mid-day notice	Consider	-		_____	_____
1	<b>VOIR DIRE</b>		-	-	_____	_____
	- Multiple voir dire	Consider	-		_____	_____
	- Single-day	Consider	-		_____	_____
12	<b>MONITORING AND CONTROL</b>	<del>6- 12-</del>	-	-	_____	_____
	- JDPT	24 40	-		_____	_____
	- PBI	18	-		_____	_____
	- Administrative Cost Per Juror	≤ \$5	-		_____	_____
<b>TOTAL NUMBER OF STANDARDS MET/NOT MET/(IN QUESTION)</b>			—	—	( )	<u>30</u>

Sample Form

**Yield Control Chart**



**Instructions**

1. Label midpoint of vertical axis with calculated average yield (P).
2. Determine SD from table or by using formula.
3. Label vertical axis at multiples of SD.
4. Plot data for each time period.

Number Called n	VALUES OF STANDARD DEVIATION*		
	Average Yield P = 50%	Average Yield P = 40% or P = 60%	Average Yield P = 30% or P = 70%
100	5.0%	4.9%	4.6%
200	3.5%	3.5%	3.2%
400	2.5%	2.5%	2.3%
600	2.0%	2.0%	1.9%
1,000	1.6%	1.6%	1.5%
1,600	1.3%	1.2%	1.1%

\*Based on:  $SD = \frac{\sqrt{P(100-P)}}{n}$  where P = average yield  
n = number called

Sample Form

**Jury Panel Usage Record**

JURY PANEL USAGE RECORD

CASE NUMBER: \_\_\_\_\_

JUDGE: \_\_\_\_\_

Civil  
Criminal

Complaint: \_\_\_\_\_

Charge: \_\_\_\_\_

EVENTS:

- Voir Dire Started
- Voir Dire Ended
- Trial Started
- Trial Ended

Date

Time

_____	_____
_____	_____
_____	_____
_____	_____

PANEL USE:

=  +  +  +

Total size of panel  
furnished

Size of jury and  
alternates

Challenge for cause  
allowed

Peremptory  
challenges  
exercised

Jurors not  
sworn or  
challenged

CASE DISPOSITION DATA:

Tried to Verdict  
Settlement/Plea  
Continued

Prepared By: \_\_\_\_\_







Sample Form

**Juror Utilization Summary Sheet**

**JUROR UTILIZATION SUMMARY SHEET**

Court \_\_\_\_\_ Month \_\_\_\_\_

Day	Date	Total in Service (A)	Carryovers (B)	Reporting to Pool* (C = A-B)	Sent to Voir Dire (D)	Voir Dires Begun (E)	Voir dires Anticipated (F)	Peak (G)	Remarks
M									
T									
W									
Th									
F									
Total									
M									
T									
W									
Th									
F									
Total									
M									
T									
W									
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Total									
M									
T									
W									
Th									
F									
Total									
M									
T									
W									
Th									
F									
Total									
Monthly Total									

\* Or to courtrooms if pool is not used - does not include carryovers  
 Juror Days Per Trial (JDPT) - Total In Service (A) + Voir Dires Begun (E) \_\_\_\_\_  
 People Brought in (PBI - Reporting(C) + Voir Dires Begun(E) =  
 \* **Total in Service (A)** - the total number of jurors or prospective jurors reporting to the courthouse each day.  
 \* **Carryovers (B)** - trial jurors who are continuing in trials started on some previous day.  
 \* **Reporting to Pool (C = A-B)** - the number of jurors reporting to a pool or to an individual courtroom for an anticipated voir dire.  
 \* **Sent to Voir Dire (D)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.  
 \* **Voir Dires Begun (E)** - the number of voir dires to which prospective jurors are sent, including those in which the case was terminated prior to the completion of jury selection.  
 \* **Peak (G)** - Maximum number of persons needed in court that day including those on iuries and voir dire.

## Sample Form

## Yield Computation Worksheet

## YIELD COMPUTATION WORKSHEETS

QUALIFICATION	Number		Percent		Number		Percent	
A. Number Qualification Questionnaires Sent								100%
B. No Response								
C. Undeliverable								
D. Disqualified								
E. Exempt								
F. Excused								
G. Total Not Qualified (B+C+D+E+F)								%
H. Total Qualified (A+G) (Qualification Yield)								
SUMMONING	DATE		DATE		DATE		DATE	
A. NUMBER SUMMONS SENT								
B. NUMBER POSTPONED TO THIS PERIOD								
C. NUMBER TOLD NOT TO REPORT								
D. TOTAL NUMBER AVAILABLE [(A+B)-C]	NO.	%	NO.	%	NO.	%	NO.	%
E. NO RESPONSE (NO SHOW)								
F. UNDELIVERABLE								
G. DISQUALIFIED								
H. EXEMPT								
I. EXCUSED								
J. POSTPONED TO ANOTHER TIME								
K. TOTAL NUMBER NOT AVAILABLE TO SERVE (E+F+G+H+I+J)								
L. TOTAL NUMBER SERVING (D-K); Summoning Yield								

Sample Form

Exit Questionnaire

JURY SERVICE EXIT QUESTIONNAIRE

Your answers to the following questions will help improve jury service. All responses are voluntary and confidential.

- 1. Approximately how many days did you report to the courthouse?
2. What percent of your time at the courthouse was spent in the jury waiting room?
3. How many times were you chosen to report to a courtroom for the jury selection process?
4. How many times were you actually selected to be a juror?
5. Have you ever served on jury duty before? How many times?
6. How would you rate the following factors? (Answer all)

Table with 3 columns: Good, Adequate, Poor. Rows A-G: Initial orientation, Treatment by court personnel, Physical comforts, Personal safety, Parking facilities, Eating facilities, Scheduling of your time.

7. Did you lose income as a result of jury service? Yes No How much?

8. After having served, what is your impression of jury service? (Answer one)

- A. The same as before—favorable
B. The same as before—unfavorable
C. More favorable than before?
D. Less favorable than before?

9. In what ways do you think jury service can be improved?

Three horizontal lines for handwritten answers to question 9.

The following information will help evaluate the results and responses to this questionnaire:

- 10. Age: 18-20 21-24 25-34 45-56 55-64 65-over
11. Sex: Female Male
12. Occupation:

Sample Form

**Exit Questionnaire Tabulation Sheet**

EXIT QUESTIONNAIRE TABULATION SHEET																						
	1	2	3	4	5		A	B	C	D	E	F	G	7		8	10	11	12			
	Days Spent	% Waiting	Times to Ctfrm	Times as Juror	A	B								A	B							
	Jury Duty	Times Served	Orientation	Treatment	Comforts	Safety	Parking	Eating	Scheduling	Income Loss	How Much?	Impression	Age	Sex	Occupation							
RESPONDENT																						
1																						
2																						
3																						
4																						
5																						
6																						
7																						
8																						
9																						
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
Number Responding																						
Averages																						
Distributions (Number)																						



# Glossary

*Call-in System*—A method for bringing in jurors who are on call via telephone.

*Combined Qualification and Summoning*—A single mailing containing the qualification questionnaire and the summons.

*Coverage*—Percentage of the over-18 population on source list.

*Disqualification*—Statutorily necessary removal of a person from consideration as a juror.

*Enrollment day*—First day of a prospective juror's term of service, which includes the orientation procedures.

*Exclusion*—Removal of a person from consideration who meets the criteria for an excusal, exemption, or disqualification.

*Exemption*—Removal of a person from consideration based upon his request and belonging to a class statutorily exempt from serving (mandatory in federal system; same as disqualified).

*Impanelment Day*—The selection of all juries on a specified day.

*Juror Days Per Trial (JDPT)*—A measure of use equal to the total juror days paid during that same period.

*Jurors*—Used in this manual to include all qualified citizens who are summoned and not excused.

*Juror Usage Index (JUI)*—A measure of usage equal to the total juror days divided by the number of trial days over the same period.

*Master Wheel or List*—Names randomly selected from the source list for possible jury service.

*Multiple Voir Dire*—Sequential voir dires during which two or more juries are selected for trials to be conducted in sequence by one judge.

*Not Reached*—Jurors chosen for a panel sent to the courtroom but neither selected for the jury nor challenged.

*One Day/One Trial*—A term of service in which persons serve for one day or one trial. If selected to a jury on their first day of service, they serve until the trial is complete; otherwise, their service is completed after that day of service as prospective jurors.

*Panel*—Group chosen from the pool for voir dire to select a jury. In a one-judge court, pool and panel are synonymous.

*People Brought In (PBI)*—A measure of usage equal to the number of persons brought in to select juries divided by the number of juries selected.

*Peak*—Maximum number of persons needed at any time during a given day for the hearing of cases and participation in voir dire.

*Plan*—Documentation of a court's procedures and methods of implementing applicable jury system statutes.

*Postponement*—Deferral of jury duty to a specific day.

*Qualified Wheel or List*—Names of persons determined to be qualified for jury service.

*Single-Day Impanelment*—The selection of all jurors on a specific day of the week or month.

*Standby Jurors*—Persons on call for jury duty.

*Staggered Trial Starts*—Voir dire starting times spread uniformly over a day or week to avoid simultaneous voir dire.

*Term of Service*—The period of time a juror is required to serve. Petit jury terms vary from one day to one year in different jurisdictions.

*Voir Dire*—Examination of the panel to select a jury through the use of peremptory challenges and challenges for cause.

*Yield*—Percentage of those called or queried who are not exempt, excused, or disqualified.

*Zero Day*—A day on which prospective jurors report but no voir dire begins.



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