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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



PROGRAM BRIEF

Jury Management Improvement

PREPARED IN CONJUNCTION WITH
REGULATIONS IMPLEMENTING THE
JUSTICE ASSISTANCE ACT OF 1984

118766

U.S. Department of Justice
National Institute of Justice

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OCTOBER 1986

FORWARD

The Bureau of Justice Assistance presents this program brief as part of its ongoing efforts to identify programs which have been proven successful in improving the functioning of the criminal justice system. The program described in the brief has been implemented in a number of jurisdictions throughout the country, has been thoroughly evaluated and has been found to be effective.

The program brief describes the critical elements and implementation strategies which were found to contribute to the success of the evaluated programs. These features should be incorporated into any new programs hoping to achieve the same level of success. The brief also provides a list of the types of data that should be collected regarding program activities in order to measure the effectiveness of the program. Those wishing further information about the program or assistance in implementing the program should refer to the sources for information and assistance found in the brief.

The Justice Assistance Act provides a modest amount of financial assistance to states and units of local government to implement programs of proven effectiveness or which offer a high probability of improving the functioning of the criminal justice system. With increasing pressures on the budgets at all levels of government, scarce criminal justice dollars should be concentrated on programs of proven effectiveness. State and local agencies are encouraged to implement the programs described in the program briefs with Justice Assistance block grant funds and/or other sources of funds.

There are few programs in which court's operational costs, citizen financial hardship, and community hardship are reduced while the citizen's experience with the courts is improved. Jury Management Improvement is such a program. The results can be very positive: juror fees reduced; juror time lost from employment and accompanying employer costs reduced; and a more positive relationship between the citizen and the criminal justice system. The benefits to the court and citizen are proven. I invite your consideration of this program.

Mack M. Vines
Director
Bureau of Justice Assistance

NCJRS

JAN 20 1990

ACQUISITIONS

PROGRAM BRIEF

Information Guide for the Judiciary, Court Administrators,
and Concerned Criminal Justice Personnel

JURY MANAGEMENT IMPROVEMENT

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I. INTRODUCTION

A. Problem Addressed

Citizens called to serve as jurors in many of our courts often face long periods of waiting, repeated over many days or weeks. Knowing that a jury summons may result in idleness, missing work and, sometimes paychecks, many citizens try to avoid jury duty. These conditions undermine the concept of the jury as representative of the public. The ideal of a jury pool containing a cross section of the community is further subverted in some jurisdictions by calling potential jurors from incomplete lists so that many citizens are called to jury service repeatedly while others are missed. Moreover, administrative methods used for calling jurors and managing the jury system are cumbersome and paperwork is excessive. Modern automated techniques are lacking or poorly used.

Although the technology of jury management is established and many courts stand as fine examples of modern jury systems, many other courts lack the organization, skill, or resources to change. Some states have been able to provide leadership through the development and adoption of standards, technological support, training, and technical assistance, while others have not.

B. Program Development

1. A Developing Technology

In the 1970's, the scattered research projects, which studied the jury systems in individual state and federal courts and the experience of a few innovative courts, were brought together and the findings and concepts expanded under Law Enforcement Assistance Administration (LEAA) support. This established the technology of modern jury management as set forth in A Guide to Juror Usage and A Guide to Jury System Management. Based on these documents, workshops were held throughout the country and specific courts received grants to implement the practices of good jury management.

In 1978, the Center for Jury Studies was formed to continue this work. This organization produced the Methodology Manual for Jury Systems and provided training and technical assistance to courts and states interested in improving their jury systems. A number of states received grants to establish, within the state administrative office of the courts, the capacity to deliver technical assistance to the trial-level courts.

Many of the early innovations are now established practices. The concept of an extremely short term of jury service, such to as one trial/one day whereby a citizen is called to serve for only a single day unless chosen for a jury, drastically reduces the need for excusing persons. Approximately 18 percent of the U.S. population now lives in jurisdictions using this term of service. Jurisdictions in about half the states use lists in addition to the voters list to increase the coverage of the random selection for jury service. Administrative improvements, such as combining the qualification and summoning steps, and monitoring jury system operation to control costs, have been introduced in many states and courts. Often, a step as simple as converting from certified to first class mail can result in both dollar savings and improved yield.

2. Jury Management Standards

With good jury management practices occurring in many courts, a task force of judges, lawyers, and administrators from all levels of courts were asked by the Office of Justice Assistance, Research, and Statistics to examine these practices and propose standards deemed notable and proven. The task force members represented the major national court organizations, including the Conference of Chief Justices, the Conference of State Court Administrators, the National Conference of State Trial Judges, the National Conference of Special Court Judges, the National Conference of Metropolitan Courts, the National Association of Trial Court Administrators, the National Association for Court Administration, and the American and National Bar Associations. The Standards Relating to Juror Use and Management were adopted by these organizations in 1983. A number of states have adopted them and are working to implement them. In addition, the American Bar Association has designated an implementation coordinator for each state to lead the state bar associations in this effort.

The 19 standards, grouped into four topical sections are identified below, along with a brief paraphrase or explanation of each standard. The complete standards without the commentary are found in Appendix A.

o Standard Relating to Selection of Prospective Jurors

1. Opportunity for Service - All eligible persons should have the opportunity to serve.
2. Jury Source List - The list or lists should be as inclusive and representative as possible and should be measured to ensure this.

3. Random Selection Procedures - Selection should be random at all times except, for specific instances detailed.
 4. Eligibility for Service - All persons should be eligible.
 5. Term of and Availability for Jury Service - The term of service should be as short as possible, with one trial/one day recommended and a maximum of 5 days of service if possible.
 6. Exception, Excusal, and Disqualification - Exceptions based on profession should be eliminated, postponements preferred over excusal.
- o Standards Relating to Selection of a Particular Jury
7. Voir Dire - The voir dire is defined as to purpose and method with the jurors' privacy protected as much as possible.
 8. Removal from the Jury Panel for Cause - Defines challenges for "cause."
 9. Peremptory Challenges - The number and method of exercising peremptories is given.
- o Standards Relating to Efficient Jury Management
10. Administration of the Jury System - Defines the responsibility for operation of the jury system.
 11. Notification and Summoning Procedures - Efficient methods are described, such as first class mail and a combined qualification and summons.
 12. Monitoring the Jury System - Four distinct areas are described as being the responsibility of the court to monitor.
 13. Juror Use - Areas of particular attention to reduce juror waiting are given.
 14. Jury compensation - Recognizes that compensation may vary for first versus other days of service.

o Standards Relating to Juror Performance and Deliberations

16. Juror Orientation and Instruction - Defines stages of jury service where orientation and instruction should be given.
17. Jury Size and Unanimity of Verdict - Defines jury size and unanimity requirements.
18. Jury Deliberations - Defines conditions for jury deliberations.
19. Sequestration of Jurors - Sequestration should be minimized and left to discretion of trial judge.

C. Benefits

Jury service, which reaches 5 percent of the 18-and-over U.S. population each year (about 9 million people) can be a rewarding and educational experience. Attitude studies show that sworn jurors rate their experience very highly. Yet many courts miss the opportunity of this positive contact with the public through poor jury management. Improved jury management also reduces the cost for juror services to the court, to the individual, and to the employer who, by continuing a person's salary during service, provides the primary financial support of our jury system.

Based on the experience of many states and trial court-level jury standards and improvement efforts, a number of significant benefits are found.

- o While implementation of the concept of one trial/one day does not reduce juror costs in and of itself, the added attention to the management of the jury system and the savings possible in other aspects of the jury system usually offsets any additional costs and often yield a net savings, as occurred in Wayne County, Michigan.
- o Juror waiting time and, hence, juror fees can be reduced through the proper use of a call-in system.
- o The number of those selected to serve, who actually report (called the yield), can be significantly improved through simple administrative techniques.
- o When jury management is improved, scheduling of cases can often be improved. For instance, under long terms of service, cases are seldom set toward the end of the jury term, while under short terms of service, such considerations are no longer necessary.

- o Cash payments, instead of checks, issued to jurors upon completion of services is viewed by some as easily subject to abuse and not in keeping with good financial procedures. Yet, the experiences of cash payment are reduced administrative costs, fewer post service calls to the court from jurors about payments, and improved juror satisfaction. Applying sound fiscal procedures, abuses have not occurred.
- o Juror attitudes improve when waiting time is reduced, and further enhanced with a reduced term of service.
- o When exemptions from jury service are eliminated, those previously exempt (such as doctors, lawyers, and judges) can now serve and are often selected as jurors.
- o Some lawyers believe that jurors who have served on other juries are more likely to convict. Data from courts implementing reduced terms of jury service reveal no change in conviction rates.
- o Permitting more citizens to participate in the administration of justice through reduced terms of jury service results in more widespread understanding of the operation of the criminal justice system.

II. GOAL/OBJECTIVES

The goal of the Jury Management Program is to make more effective and efficient use of jurors, while ensuring that the courts are adequately supplied with qualified, representative citizens that are drawn in a defensible manner. This goal is achieved by meeting the following objectives:

- . Minimize costs attendant to selection and handling of jurors through sound management practices.
- . Ensure jurors are provided proper orientation and instruction and are provided responsive support systems during their service.
- . Increase the productivity of citizens once called into jury service.

III. CRITICAL ELEMENTS

A number of elements have been synthesized from research, demonstration, and evaluation efforts. These elements provide effective guidance for achieving best use and management of jury systems.

A. Standards Development

1. Convene a task force for the purpose of preparing and adopting standards relating to juror use and management.
2. Survey existing jury practices within the state and compare them with national standards and practices.
3. Propose standards for adoption to appropriate court body or organization.

B. Standards Implementation

1. Identify several courts as implementation sites.
2. Coordinate and facilitate program implementation from initial to other sites throughout the state.
3. Document implementation of approved standards at those selected sites.

IV. IMPLEMENTATION STEPS/ISSUES

A. Develop Standards

Although many state-directed jury system improvement efforts have been successful prior to the availability of national standards, the standards give a framework by which the existing jury systems can be evaluated and the areas of needed improvement are more easily recognized. For instance, the standards adopted by the State of Washington contain for each standard cross-reference to the statutes and court rules, the drafting committee's recommendations and comments, the experience of the Washington courts, and implementation considerations. The following steps, based on the experience of several states, are recommended:

Establish a Jury Standards Task Force: Judicial and administrative personnel from the trial courts and members of the bar form the base for this working group. The organization or organizations (i.e., judicial council, supreme court, judges association) ultimately adopting the standards should be represented. Other representation, found on past state task forces, included legislators, citizen groups, former jurors, and the press. The members should represent a diversity of courts in size and location and, if possible, should be from jurisdictions which have already implemented jury system improvements.

Survey the Existing Jury System Practices: When the task force members are those that have instituted jury system improvements and are aware of other such efforts, the task force can begin their work with a decisive advantage. If such persons are not available, then a survey by phone or questionnaire of existing practices within the state is vital. The purposes of this survey are to bring to the task force's attention the variations within the state, exemplary practices, perceived problems, and some rudimentary measures of effectiveness such as cost per trial from across the state.

Cross-Reference Standards: This is a comparison of the national standards with the existing case law, statutes, and court practices which are found resulting from the survey as discussed in the previous step.

Draft Standards: The task force should meet regularly with adoption procedures developed in detail early in the process. Standards can be considered individually or assigned to committees from the task force. Some task forces have held their meetings in various trial courts across the state to permit the members to gain a firsthand view of the impact of innovative practices on differing circumstances.

The task force recommendations should include the proposed standards, an implementation strategy or plan, and legislative revision, if necessary. Task force comments on their deliberations and reasons for wide deviation from the national standards are also helpful.

After the task force has drafted the proposed standards, review by as large a group as possible is suggested. This would include the organized bar, clerks, administrators, and judicial organizations. If organizational adoption is sought, the entire membership should be provided with copies of the proposed standards. In addition, public hearings may be desirable at which time bar and citizen groups may testify. Final adoption should be possible within six months to two years after the establishment of the task force.

B. Implementing Standards - State-Level Activity

Monitor Trial Court Jury System Activity: Forms and suggested jury system parameters to be monitored in the courts are well established and provided in the literature and will be discussed in Section C. The purpose of this monitoring is to provide trial courts with analytical help in determining areas for improvement and identifying those courts needing assistance.

Provide Training: Task force members and court personnel who have implemented changes are obvious choices for training assignments. A session on the standards, the task force's considerations, and the state experience at the various state training conferences is a good introduction to the standards. More detailed sessions can cover special large or small court needs and judicial or administrative details.

Provide Technical Assistance: Using state and national resources, technical assistance can be provided to interested courts. In one state, technical assistance consisted of a series of assistance visits by national experts accompanied by state administrative office staff. Delivering assistance to a court, developing jury system expertise within the administrative office, is an effective strategy.

In another state, the four largest courts participated in an interchange program, whereby teams consisting of a judge, administrator or clerk, and the jury clerk from each court visited other courts at the start of the jury term. After observing the check-in, orientation, and voir dire, they discussed the details of the operation with leadership from the state administrative office. This technique is most helpful if the courts use different jury system methods (i.e. differing levels of computerization, terms of service, qualification and summoning methods, etc.)

Provide Direct Technical Support: Several states (Maine, Alabama, New York, and Colorado) provide direct jury system support to the trial courts in their state. The state computer draws the names for jury selection from the source list and prints the qualification and summons for each court. A common format is used with court specific reporting instructions provided by computer. In this way, much of this tedious time-consuming administrative task is eliminated in courts which could not justify the expense for the development of such an automated support capacity.

In these and other states, orientation pamphlets are provided to the courts. Several states give audiovisual equipment to interested counties and develop an orientation program tailored to the local jurisdiction.

C. Implementing Standards - Trial Court

Establish Working Groups: This small group would include representatives of those organizations involved with the jury system including judges, jury commissioners, voter registrars, jury management staff (clerk or court administrators), data processing, fiscal, and planning authorities. The project leader would use this group or portions of the group for specific assignments (e.g., an examination of the desirability and feasibility of using the drivers and voters lists as the source of prospective jurors) and would review findings and recommendations with this group. Initially, they would help define the scope of the project and the specific problems to be addressed.

Inform the Bench on Objectives: The judges should be briefed and given an opportunity to voice their concerns and suggest additional points which should be addressed.

Prepare Study and Develop Recommendations: The 19 standards refer to both statutory provisions and procedural functions. A study based on the standards could proceed as follows:

1. Review comparisons of standards to statutes, rules, and case law to ensure compliance. Nine of the 19 standards (i.e., jury size, compensation, eligibility for service, etc.) relate directly to the statutes.
2. Review jury system procedures relating to the standards. Many of the standards describe procedures which the court should be following (i.e., prompt payment, voir dire information, summoning procedures, etc.). A comparison will indicate those areas where changes might be considered. The Methodology Manual for Jury Systems includes most of the topics referred to in the standards.
3. Gather data as required to satisfy standard 12, which states that "Courts should collect and analyze information regarding the performance of the jury system on a regular basis in order to ensure:"

"The representativeness and inclusiveness of the Jury Source List." This is discussed in section 2 of the Methodology Manual. Census data, if not locally available, is given in Census Publications PC 80-1-X where X designates the volume for each state. Demographic data on persons serving can be obtained from the juror exit questionnaire given in section 12 of the Methodology Manual for Jury Systems.

"The effectiveness of qualification and summoning procedures." Forms for this evaluation are found in sections 3 and 4 of the Methodology Manual, which measures the yield of prospective jurors as a result of the qualification and summoning.

"The responsiveness of individual citizens to jury duty summons." This requires an evaluation of the components of the yield measured under (b) above and includes the excusal rates, the non-response, and the results of the followup procedure used.

"The efficient use of jurors." Section 7 of the Methodology Manual deals with efficient call-in and pooling of prospective jurors, and section 8 covers the efficient use of jurors in the courtroom.

"The cost effectiveness of the jury system." Administrative costs are discussed in section 12.7 of the Methodology Manual, and the minimization of the fees and mileage paid is given in sections 7 and 8.

4. Based on the study, the working committee should develop a set of recommendations and define the costs and benefits associated with the implementation of each recommendation. These should be presented to the bench for approval. The recommendations could include tests of new methods or requests for statutory clarification of the authority to undertake the alternatives presented.

Develop Implementation Plan: Based on the recommendations accepted, develop an implementation plan working with those persons directly involved with the proposed changes. The Action Plan Guide should be helpful for this setup.

Implement Changes: This process may actually be several steps with some changes quickly implemented, other ideas tested, and then implemented.

Evaluate Improvements: The data gathered under step 3 can provide a base by which the improvements can be evaluated. These parameters would give the reduced costs per trial, reduced administrative costs, and increased yields and improved coverage of the source list. These parameters then provide the base for future improvements and system accountability.

V. PROGRAM EXPERIENCES

A number of states have made jury management not only a natural part of court management, but have instilled this responsibility into the trial courts as well. Some recent efforts, such as those in Kansas and Washington, have been structured around the national standards, while others, like Alabama, New York, New Jersey, and Massachusetts, provided many of the techniques adopted in the standards. In addition, a number of exemplary metropolitan courts, not necessarily in those states, have achieved demonstrable savings and improvements in juror attitudes.

A. State Level

Alabama: Over the past four years, improvements in jury management to the trial courts have resulted from:

- o **Training.** From three-day workshops for all court judges in 1977 to periodic updates at annual conferences on new techniques, training has been a primary method of instituting good practices.
- o **Technical Assistance.** Many members of the administrative office staff provide on-site assistance to the trial courts.
- o **Technical Support.** Automated support is provided to those counties wishing the state to do so. This includes the selection, preparation of the summons, and the delivery to the court of needed lists of those selected.

New Jersey: In addition to training and technical assistance, monthly jury data submitted to the state are quickly analyzed and returned to the counties, showing these listings their relative position with respect to the courts in several jury management parameters. Assistance is also provided to the courts when new statutory requirements, such as the use of voters and drivers lists for the selection of prospective jurors' names, require extensive computer software changes.

A broad-based task force, chaired by an associate justice of the supreme court, developed a series of recommendations which have resulted in statutory and administrative changes.

New York: By providing analytical services to the largest jurisdictions of the state, the courts were better able to manage their jury systems and save over one million dollars per year in juror fees. The daily data is sent to the administrative office where reports are quickly prepared for the local jurisdiction and assistance provided, if needed. The state also merges the voters, drivers, and tax lists and supports the qualification and summoning process for the local courts.

A task force appointed by the Chief Judge developed many major recommendations which are in various stages of adoption. One change in the qualification and summoning method should result in the burden of service being more equally distributed across the population.

Massachusetts: A statute which reflects a new concept in juror fees and terms of service is now being implemented, by county, across the commonwealth. This statute provides for a one trial/one day term of service with no juror fee for the first three days. From the fourth day and beyond, the fee is \$50 per day. In this method, rather than give each person an inadequate amount, they have asked jurors to donate a small amount of their time and use the juror fees to reimburse those on extended trials or those unemployed who have incurred expenses while serving. Management of the system is centralized with all automation support provided by the state-level Office of the Jury Commissioner.

Kansas: Kansas was the first state to adopt Standards Relating to Juror Use and Management. These standards, based on the national standards, were prepared by a committee consisting of judges, clerks, and administrators. Many from the committee were from courts which had already implemented major improvements in their systems. A recent Kansas newsletter credits great savings to those courts implementing the standards.

B. Trial-Level

In Baltimore, Maryland, a person called to serve in 1980 faced four weeks, much of it spent waiting in a smoke-filled room. The sheriff delivered the summons after two previous mailings. Now persons are summoned only by first class mail, serve for the duration of one trial, or if not selected, only one day. Only the physically or mentally handicapped are excused; postponements to accommodate the citizen are easily obtained. The evening prior to reporting, they call a telephone answering machine to see if any last minute problems have changed their need to report. Upon reporting, they see a videotaped orientation, are greeted briefly by the judge, receive expense money in cash (relieving worries about meals, parking, etc.), and if waiting is required, smoking and non-smoking areas are provided. The results have been extremely positive. Letters to the court from citizens of all walks of life compliment Baltimore's jury system. Jury fees have been reduced by 30 percent, saving the city \$200,000 a year.

Improvements can occur in small courts as well. In Walker County, Texas, juror costs of \$12,000 per year were reduced in half, thanks to the ideas learned at a jury management workshop. Prospective jurors in Washington State see a videotape narrated by Raymond Burr inspiring them to serve, relieving their anxieties, and thanking them for this act of constitutional volunteering.

VI. AGENDA FOR ACTION

A. Statewide Services in Jury Management

The major emphasis is on developing statewide capacities for improving jury systems and maintaining advances, building on the Standards Relating to Juror Use and Management. One proven strategy involves training and technical assistance from the state court administrative offices to work with local trial courts in improving and monitoring their jury system. This "service model" of jury management assistance is at the heart of efforts in Alabama, New Jersey, and Kansas.

B. Education and Training

For a number of years, principles of jury management have been part of the national curricula of the Institute for Court Management. Some state judicial colleges have incorporated this topic into their state education and training programs. It is proposed that workshops, drawing upon the most recent experiences in the states, be conducted by the grant recipients. In addition, the Bureau of Justice Assistance is offering specialized jury management training sessions.

C. Technical Assistance

Technical assistance support for local courts could include assistance in data collection and analysis to define areas needing improvement, suggested organizational and task force approaches to resolve problems, changes in procedures and forms, orientation and training of key staff, and monthly monitoring of performance to gauge the impact of the improvements.

At the state level, technical assistance could involve assistance in implementing information systems, monitoring statistics, and training judges on jury management methods.

Within the limits of technical assistance resources, national technical assistance teams will be available for either short-term or more intensive jury management programs in state court systems or selected courts. More intensive technical assistance efforts are expected to evolve from the workshops.

VIII. SOURCES FOR FURTHER INFORMATION AND ASSISTANCE

A. Selected Bibliography

1. "Criminal Justice Block Grant Guidelines," Office of Justice Programs, U.S. Department of Justice, FY 1985.
2. Standards Relating to Juror Use and Management, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23187-8789, 1982. (Publication No. R-069).
3. Center for Jury Studies, Methodology Manual for Jury Systems, McLean, VA, 1980. Available from National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23187-8798. (Publication No. CJS-004)
4. Munsterman, G. Thomas, State Juror Use and Management Standards: The Kansas Experience, National Center for State Courts, Williamsburg, VA, Dec. 1984.
5. Solomon, M. and T. Cameron, Instructor's Guide for Teaching the Elements of Jury Usage and Management, 1981.
6. Cameron, Pat and Tom Cameron, Action Plan Guide - For Improving Jury Systems, Denver: Institute for Court Management, 1981.
7. Mount, C. H., G. T. Munsterman and W. Pabst, Multiple Lists for Juror Selection, A Case Study for San Diego Superior Court, Supt. of Documents, Washington, DC 20402, Stock No. 027-000-00665-5.
8. Carlson, K. A.; Halper; and D. Whitcomb, One Day/One Trial Jury System: Wayne County, Michigan, Washington, DC: Department of Justice, 1977.
9. Dogin, H. S. and D. I. Tevelin, "Jury Systems of the Eighties: Toward a Fair Cross-Section and Increased Efficiency," University of Toledo Law Review, 11 (1980): 939-956.
10. Solomon, M., Management of the Jury System, Chicago: American Bar Association, 1975.
11. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, A Guide to Juror Usage, Washington, DC: U. S. Department of Justice, 1974.

12. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, A Guide to Jury System Management, Washington, DC: U. S. Department of Justice, 1975.
13. Washington Standards Relating to Jury Use and Management, August 1985. Available from Office of the Administrator for the Courts, 1206 South Quince Street, Olympia, WA 98504, 206/753-3365.

B. SOURCES FOR TECHNICAL ASSISTANCE/TRAINING

1. BJA Technical Assistance and Training Program

Cooperative agreements with EMT Group, Inc. and the National Center for State Courts make available technical assistance and training in the area of jury management improvement. Technical assistance is available in the form of information dissemination, on-site consultation and peer-site consultation. Training curricula address the needs of jurisdictions implementing basic and advanced components of the program.

2. Project Contacts

The following jurisdictions are those having successfully implemented all or part of a Jury Management Improvement Program at the state and local level.

State Programs

Alabama

Administrative Office of the Courts
817 South Court Street
Montgomery, AL 36130
Telephone: 205/834-7990

Kansas

Judicial Administrative Office
310 West 10th Street
Topeka, KS 66612
Telephone: 913/296-4855

Local Programs

Baltimore City, Maryland

Jury Commissioner
Courthouse
100 North Calvert Street
Baltimore, MD 21202
Telephone: 301/659-3775

Maricopa County, Arizona

Court Administrator
Maricopa County Courthouse
Phoenix, AZ 85003
Telephone: 602/262-3204

Massachusetts

Office of Jury Commissioner
Cambridge Superior Court
Thorndike Street
Cambridge, MA 02141
Telephone: 617/494-4483

New Jersey

Administrative Office of the Courts
CN-037 - RJH Justice Complex
Trenton, NJ 08625
Telephone: 617/984-0275

New York

Office of Court Administration
80 Centre Street
New York, New York 10013
Telephone: 212/587-4768

Washington

State Court Administrative Office
Supreme Court of Washington
Temple of Justice
Olympia, WA 98504
Telephone: 206/753-5780

Du Page County, Illinois

Jury Commissioner
18th Judicial Circuit
Wheaton, IL 60187
Telephone: 312/682-7330

Bucks County, Pennsylvania

Court Administrator
7th Judicial District
Courthouse
Doylestown, PA 18901
Telephone: 215/348-6040

Clark County, Nevada

Court Administrator
Clark County District
Court
200 E. Carson Avenue
Las Vegas, NV 89101
Telephone: 702/386-4011

Kitsap County, Washington

Clerk, Superior Court
County Courthouse
614 Division Street
Port Orchard, WA 98366
Telephone: 206/876-7164

C. **Federal Program Contact**

Jury Management Improvement Program
Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice
633 Indiana Avenue, N.W.
Washington, D.C. 20531
Telephone: 202/272-4601

VIII. PERFORMANCE INDICATORS

During the implementation of the program described in this Program Brief, certain program information should be collected and maintained in order to assess program performance. While basic in nature, this information will not only provide an indication of program progress and performance but will serve as a benchmark for continued program implementation and allow for comparison with similar program efforts in other jurisdictions.

Jurisdictions implementing this program with Justice Assistance block grant funds will be required to complete an Annual Project Report Form for Juror, Witness and Victim Assistance program, which incorporates the activity and performance measures found on the following pages. This report will be completed within 90 days of the end of the project or annually for projects funded for more than twelve months. The information will be included in the Annual Report to Congress prepared by the Bureau of Justice Assistance. Program activities and performance measures devoted to jury management improvement in the report follow.

PROGRAM ACTIVITIES:

	Column A	Column B	Column C
	<u>Activity Performed</u>	<u>New Activity In Existing Program</u>	<u>Level of Activity</u>
<u>Jury Management</u>			
Develop and implement jury management standards	_____	_____	Number of standards adopted _____
Deliver technical assistance and training	_____	_____	Number of courts receiving technical assistance _____ Number of persons trained _____
Develop publications	_____	_____	Number of publications _____ Number persons receiving publications _____

Develop audio/
visual materials
(films, slide shows) _____

Materials developed
(specify) _____

PERFORMANCE INDICATORS:

	<u>Prior Period</u>	<u>Report Period</u>
Stated term of jury service (i.e., one trial/one day)	_____	_____
Number of citizens reporting for service	_____	_____
Number of citizens sworn to serve on a jury	_____	_____
Average days served per citizen summoned	_____	_____
Percentage of eligible citizens covered by source list	_____	_____
Percentage of citizens satisfied with judicial/jury process (if measured)	_____	_____
Percentage of citizens reporting loss of income	_____	_____
Jury system administrative costs (excluding juror fees)(Estimates are acceptable)	_____	_____
Juror fees and mileage paid	_____	_____

APPENDIX A

STANDARDS RELATING TO JURY USE AND MANAGEMENT

JURY USE AND MANAGEMENT STANDARDS

Part A. Standards Relating to Selection of Prospective Jurors

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 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 ADULT POPULATION IN THE JURISDICTION.
- (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.

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 OF 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 5: TERM OF AND AVAILABILITY FOR JURY SERVICE

THE TIME THAT PERSONS ARE CALLED UPON TO PERFORM JURY SERVICE AND TO BE AVAILABLE THEREFOR, 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 OF 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.

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.

Part B. Standards Relating to Selection of a Particular Jury

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.
- (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.
- (c) IN CIVIL CASES, THE NUMBER OF PEREMPTORY CHALLENGES SHOULD NOT EXCEED THREE FOR EACH SIDE.
- (d) IN CRIMINAL CASES, THE NUMBER OF PEREMPTORY CHALLENGES SHOULD NOT EXCEED
 - (i) TEN FOR EACH SIDE WHEN A DEATH SENTENCE MAY BE IMPOSED UPON CONVICTION;
 - (ii) FIVE FOR EACH SIDE WHEN A SENTENCE OF IMPRISONMENT FOR MORE THAN SIX MONTHS MAY BE IMPOSED UPON CONVICTION; OR
 - (iii) THREE FOR EACH SIDE WHEN A SENTENCE OF INCARCERATION OF SIX MONTHS OR FEWER, OR WHEN ONLY A PENALTY NOT INVOLVING INCARCERATION MAY BE IMPOSED.

ONE ADDITIONAL PEREMPTORY CHALLENGE SHOULD BE ALLOWED FOR EACH DEFENDANT IN A MULTI-DEFENDANT CRIMINAL PROCEEDING.

- (e) WHERE JURIES OF FEWER THAN TWELVE PERSONS ARE USED IN CIVIL OR PETTY OFFENSE CASES, THE NUMBER OF PEREMPTORY CHALLENGES SHOULD NOT EXCEED TWO FOR EACH SIDE.
- (f) ONE PEREMPTORY CHALLENGE SHOULD BE ALLOWED TO EACH SIDE IN A CIVIL OR CRIMINAL PROCEEDING FOR EVERY TWO ALTERNATE JURORS TO BE SEATED.
- (g) THE TRIAL JUDGE SHOULD HAVE THE AUTHORITY TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES WHEN JUSTIFIED.
- (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.

Part C. Standards Relating to Efficient Jury Management

Standard 10: ADMINISTRATION OF THE JURY SYSTEM

THE RESPONSIBILITY FOR ADMINISTRATION OF THE JURY SYSTEM SHOULD BE VESTED EXCLUSIVELY IN THE JUDICIAL BRANCH OF GOVERNMENT.

- (a) ALL PROCEDURES CONCERNING JURY SELECTION AND SERVICE SHOULD BE GOVERNED BY COURT RULES AND REGULATIONS PROMULGATED BY THE STATE'S HIGHEST COURT OR JUDICIAL COUNCIL.

- (b) A SINGLE UNIFIED JURY SYSTEM SHOULD BE ESTABLISHED IN ANY AREA IN WHICH TWO OR MORE COURTS CONDUCT JURY TRIALS. THIS APPLIES WHETHER THEY ARE OF THE SAME OR OF DIFFERING SUBJECT MATTER OR GEOGRAPHIC JURISDICTION.
- (c) RESPONSIBILITY FOR ADMINISTERING THE JURY SYSTEM SHOULD BE VESTED IN A SINGLE ADMINISTRATOR ACTING UNDER THE SUPERVISION OF A PRESIDING JUDGE OF THE COURT.

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.

Standard 12: MONITORING THE JURY SYSTEM

COURTS 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.

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.

Standard 14: JURY FACILITIES

COURTS SHOULD PROVIDE AN ADEQUATE AND SUITABLE ENVIRONMENT FOR JURORS.

- (a) THE ENTRANCE AND REGISTRATION AREA SHOULD BE CLEARLY IDENTIFIED AND APPROPRIATELY DESIGNED TO ACCOMMODATE THE DAILY FLOW OF PROSPECTIVE JURORS TO THE COURTHOUSE.
- (b) JURORS SHOULD BE ACCOMMODATED IN PLEASANT WAITING FACILITIES FURNISHED WITH SUITABLE AMENITIES.
- (c) JURY DELIBERATION ROOMS SHOULD INCLUDE SPACE, FURNISHINGS AND FACILITIES CONDUCIVE TO REACHING A FAIR VERDICT. THE SAFETY AND SECURITY OF THE DELIBERATION ROOMS SHOULD BE ENSURED.
- (d) TO THE EXTENT FEASIBLE, JUROR FACILITIES SHOULD BE ARRANGED TO MINIMIZE CONTACT BETWEEN JURORS, PARTIES, COUNSEL AND THE PUBLIC.

Standard 15: JUROR COMPENSATION

- (a) PERSONS CALLED FOR JURY SERVICE SHOULD RECEIVE
 - (i) A NOMINAL AMOUNT IN RECOGNITION OF OUT-OF-POCKET EXPENSES FOR THE FIRST DAY THEY REPORT TO THE COURTHOUSE;
 - (ii) A REASONABLE FEE FOR EACH SUCCEEDING DAY THEY REPORT.
- (b) SUCH AMOUNTS AND FEES SHOULD BE PAID PROMPTLY.
- (c) STATE LAW SHOULD PROHIBIT EMPLOYERS FROM DISCHARGING, LAYING OFF, DENYING ADVANCEMENT OPPORTUNITIES TO, OR OTHERWISE PENALIZING EMPLOYEES WHO MISS WORK BECAUSE OF JURY SERVICE.

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 COURTROOM FOR VOIR DIRE;
 - (iv) DIRECTLY FOLLOWING EMPANELMENT;
 - (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' UNDERSTANDING 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 EMPANELMENT 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.

Standard 17: JURY SIZE AND UNANIMITY OF VERDICT

- (a) JURIES IN CRIMINAL CASES SHOULD CONSIST OF
 - (i) TWELVE PERSONS IF A PENALTY OF CONFINEMENT FOR MORE THAN SIX MONTHS MAY BE IMPOSED UPON CONVICTION;
 - (ii) AT LEAST SIX PERSONS IF THE MAXIMUM PERIOD OF CONFINEMENT THAT MAY BE IMPOSED UPON CONVICTION IS SIX MONTHS OR FEWER. A UNANIMOUS DECISION SHOULD BE REQUIRED FOR A VERDICT IN ALL CRIMINAL CASES HEARD BY A JURY.
- (b) JURIES IN CIVIL CASES SHOULD CONSIST OF NO FEWER THAN SIX PERSONS AND NO MORE THAN TWELVE PERSONS. IT IS ACCEPTABLE TO HAVE EITHER UNANIMOUS OR NONUNANIMOUS VERDICTS IN CIVIL CASES, PROVIDED HOWEVER THAT A CIVIL JURY SHOULD NOT BE AUTHORIZED TO RETURN A VERDICT WHICH IS CONCURRED IN BY LESS THAN THREE QUARTERS OF ITS MEMBERS.

Standard 18: JURY DELIBERATIONS

JURY DELIBERATIONS SHOULD TAKE PLACE UNDER CONVICTIONS AND PURSUANT TO PROCEDURES THAT ARE DESIGNED TO ENSURE IMPARTIALITY AND TO ENHANCE RATIONAL DECISION-MAKING.

- (a) THE JUDGE SHOULD INSTRUCT THE JURY CONCERNING APPROPRIATE PROCEDURES TO BE FOLLOWED DURING DELIBERATIONS IN ACCORDANCE WITH STANDARD 16(c).
- (b) THE DELIBERATION ROOM SHOULD CONFORM TO THE RECOMMENDATIONS SET FORTH IN STANDARD 14(c).

- (c) THE JURY SHOULD NOT BE SEQUESTERED EXCEPT UNDER THE CIRCUMSTANCES AND PROCEDURES SET FORTH IN STANDARD 19.
- (d) A JURY SHOULD NOT BE REQUIRED TO DELIBERATE AFTER NORMAL WORKING HOURS UNLESS THE TRIAL JUDGE AFTER CONSULTATION WITH COUNSEL DETERMINES THAT EVENING OR WEEKEND DELIBERATIONS WOULD NOT IMPOSE AN UNDUE HARDSHIP UPON THE JURORS AND ARE REQUIRED IN THE INTERESTS OF JUSTICE.
- (e) TRAINING SHOULD BE PROVIDED TO PERSONNEL WHO ESCORT AND ASSIST JURORS DURING DELIBERATION.

Standard 19: SEQUESTRATION OF JURORS

- (a) A JURY SHOULD BE SEQUESTERED ONLY FOR THE PURPOSE OF INSULATING ITS MEMBERS FROM IMPROPER INFORMATION OR INFLUENCES.
- (b) THE TRIAL JUDGE SHOULD HAVE THE DISCRETION TO SEQUESTER A JURY ON THE MOTION OF COUNSEL OR ON THE JUDGE'S INITIATIVE, AND THE RESPONSIBILITY TO OVERSEE THE CONDITIONS OF SEQUESTRATION.
- (c) STANDARD PROCEDURES SHOULD BE PROMULGATED TO MAKE CERTAIN THAT
 - (i) THE PURPOSE OF SEQUESTRATION IS ACHIEVED; AND
 - (ii) THE INCONVENIENCE AND DISCOMFORT OF THE SEQUESTERED JURORS IS MINIMIZED.
- (d) TRAINING SHOULD BE PROVIDED TO PERSONNEL WHO ESCORT AND ASSIST JURORS DURING SEQUESTRATION. USE OF PERSONNEL ACTIVELY ENGAGED IN LAW ENFORCEMENT FOR ESCORTING AND ASSISTING JURORS DURING SEQUESTRATION IS DISCOURAGED.