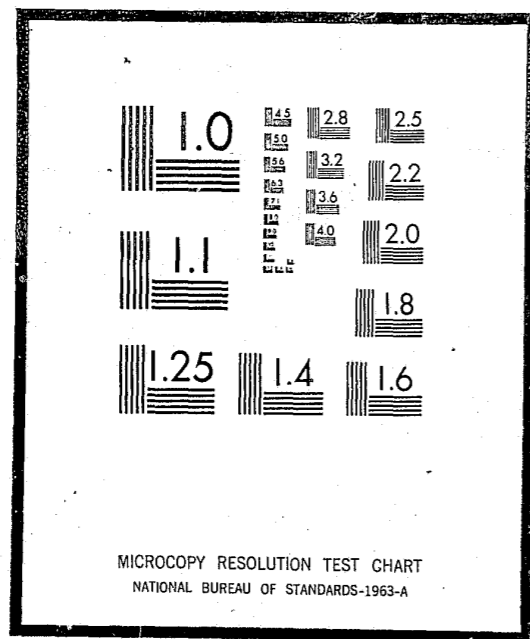


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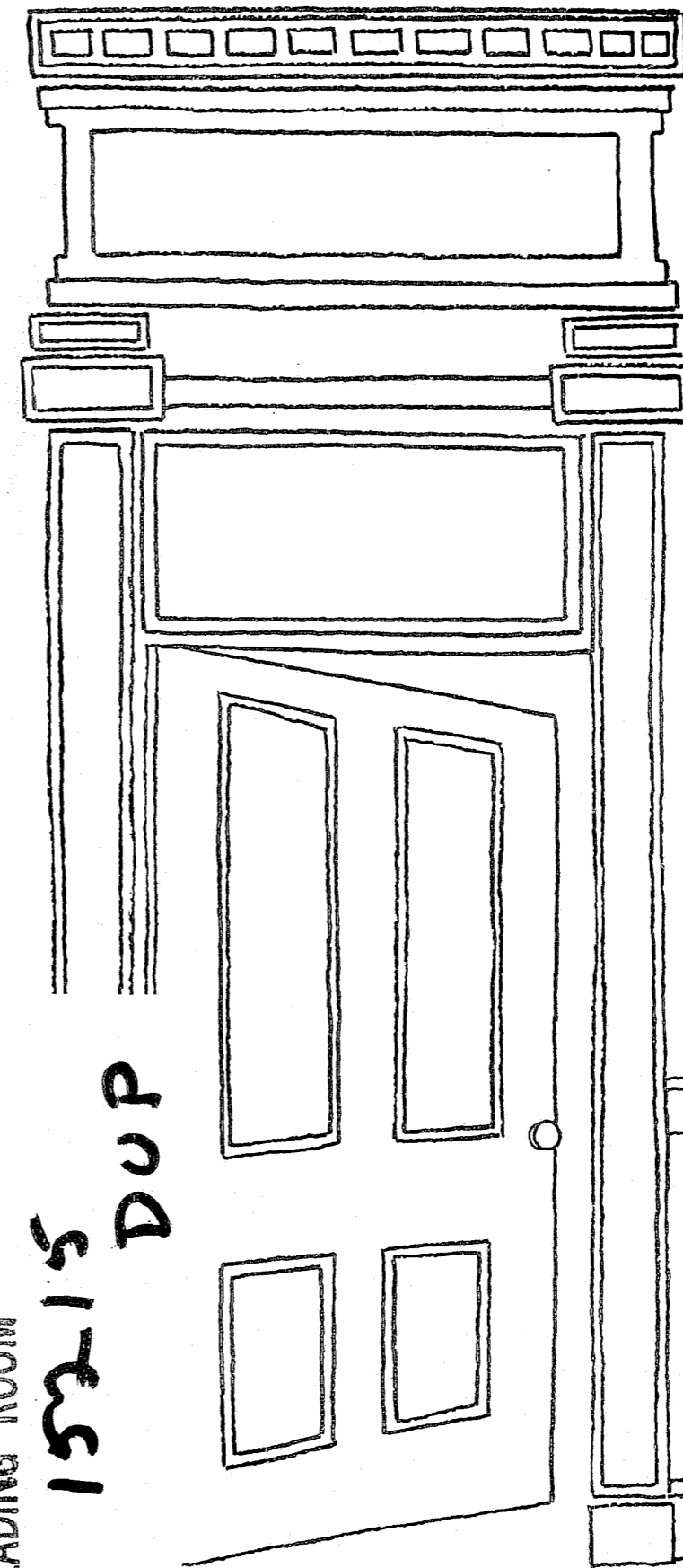
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A GUIDE TO JUROR USAGE

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A GUIDE TO JUROR USAGE

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December 1974

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL INSTITUTE OF LAW ENFORCEMENT
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FOREWORD

These guidelines for improved juror utilization have been derived from studies of jury practices in numerous local, state, and federal courts. By analyzing the activities of jurors from the time they reported for jury duty until their dismissal, these studies revealed the wide differences in jury practices among the courts studied. Some courts made rather full use of jurors' time while others did not. However, in the absence of communication among the courts, no opportunity existed for courts to learn how others had solved common problems. A Guide to Juror Usage provides this important communication link by describing the practices associated with good juror usage.

In addition, the guide aims to change a commonly held negative attitude about jury service. Unfortunately, this attitude is well-founded, for much better use can be made of jurors' time without changing the historic role and function of the jury or the basic practices and traditions of the courts. Guidelines are presented which allow courts to assess their present practices with respect to jurors and to make remedial changes.

Intended for judges, court administrators, and clerks, the Guide to Juror Usage serves as a background from which to observe and evaluate efforts to improve jury duty. Presented are suggestions on how the number of jurors called can be reduced without affecting case flow, how jury costs can be cut, how jurors' time can be used best, how juror morale can be strengthened, and how jury duty can be made more rewarding for those citizens who must serve.

Gerald M. Caplan
Director
National Institute of Law
Enforcement and Criminal Justice

ABSTRACT

Based on a series of studies of courts of general jurisdiction, seven rules are presented for achieving high utilization of the prospective juror's time. Forms are given for use by the courts in gathering the data necessary to analyze and assess compliance with the rules. Remedial actions are suggested for use if calculated values differ from given standards. Tables to predict the number of persons to call for jury duty and instructions for the generation of tables unique to each court complete the quantitative sections. Other sections deal with juror attitude toward jury service, how to measure it, and what some courts have done to improve it. The guide concludes with a brief suggested method for its application.

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SECTION 1
PURPOSE AND SCOPE OF THE GUIDE

[Analysis of] the deplorable and unnecessary waste which characterizes our jury system [provides] an opportunity to make a substantial saving In fact, it will improve the quality of jury service for it will decrease the resentment now felt by some jurors who simply sit and wait for the opportunity to serve.

The Honorable Oliver Gasch
Judge, United States District Court
for the District of Columbia

This guide is intended for use by judges, jury clerks, court administrators, and others interested in conserving juror time, saving jury costs, and improving the morale of citizens who must serve. It offers guidelines derived from practices observed in courts where the jury system appeared to operate most efficiently. Since conditions are unique in every court, the general principles and specific tables given here may need to be tailored to the specific requirements of individual courts.

Achievement of more effective juror usage in the court system will yield important benefits:

- Reduction in Jury Costs. Although juror fees are usually low, the total amount paid to jurors can be large. For example, calling 150 jurors per day and paying a fee of \$10.00 per day costs about \$300,000 in one year, excluding travel. Even a 20% reduction in the daily number of jurors required in this typical example could save \$60,000 a year in fees alone.
- Reduction in Lost Income. When citizens are called to jury duty, they or their employers lose income from their regular employment. If the employee is not reimbursed for the difference between his salary and jury fees, he suffers a direct loss. If he is reimbursed, his employer suffers a loss.

■ Improvement in Juror Attitude. Reactions to jury duty vary a great deal. Some have reported "enjoyed the entire experience", "convinced that the jury system is the best form of administering justice", and the like. Others complain about being needlessly called, under-utilized in court, and callously treated. Studies of many courts suggest the busier the jurors are, the less critical they are of the unpleasant aspects of their service. Thus, a perfect system would call only enough people to exactly satisfy the court's need for jurors.

■ More Willing Citizen Participation. As many as two million citizens provide the twenty million juror days now being used annually by the federal, state, and local courts. It is important that these citizens find their participation in the judicial process meaningful and useful. This feeling will be reflected in their respect for, and their attitude toward, the court system itself. As the court's image improves, reluctance to participate as jurors or as witnesses will decrease, and jury quality itself should improve as well.

The remainder of this Guide to Juror Usage has been subdivided into areas of particular interest to the various individuals and groups who work together in operating the jury system.

■ Section 2 briefly discusses problems inherent in the operation of the jury system and presents a way of visualizing the problem of matching juror supply and demand.

■ "Seven Rules for Good Juror Usage" applicable to large and small courts are presented in Section 3, which summarizes good practices observed in many jurisdictions.

■ Section 4 explains some analytical techniques and ways to collect data about the jury system operation.

■ Formulas and tables useful in predicting the number of jurors required under given circumstances are provided and explained in Section 5. This section is of particular interest to judges, court administrators, and jury clerks who must make these determinations.

■ Some simple methods of making jury service a more pleasant experience are suggested in Section 6.

■ Section 7 offers a practical approach to application of these guidelines in a court.

SECTION 2 BASIC PROBLEMS OF JUROR USAGE

More and longer court trials are swelling the protests from citizens called for jury service. Their cry is plainly heard: Improve the system -- and reduce the waste of jurors' time.

U. S. News & World Report
December 31, 1973

Most critics of the jury system do not realize how difficult it is to make use of all the jurors who must be called to jury duty. It is easy enough to say "improve the system" and bring the supply of jurors into balance with the demand, but the operative question is "how to do it". Both the nature of the jury operation and the attendant uncertainty of events in the judicial system make the problem difficult to solve.

It is difficult because, under our system of justice, a panel of prospective jurors large enough to yield an unbiased jury is made available to the parties and the judge. It may take as few as 24 or as many as 120 people to provide a 12-member jury, and more than half as many for a 6-member jury. The selection process, or voir dire, lasts generally only an hour or so; the trial which follows lasts a comparatively long time, usually a day or more. The operation is one that requires many people for a short time and a few of them for a long time. In many jury systems, the "many" have to wait until the "few" have finished a trial and until the judge is ready to start another. Most systems try to share jurors among several judges or courtrooms to overcome this obvious inefficiency.

When jurors are shared among many judges or courtrooms, a better balance between the number needed for selection and the number of jurors hearing trials can theoretically be achieved by efficiently pooling those used in the selection process. Proper achievement of this goal requires good communication, planning, coordination, and management, because the theoretical efficiency which might be gained by pooling jurors is often defeated in actual practice.

Uncertainty of events in the judicial system is also a disturbing factor weighing against a neat balance between supply and demand for jurors. No one knows how long a voir dire or trial will last or when a judge will be free to take the next case. Before each case comes to trial, the parties might settle or the defendant might change his plea rather than face trial. Lawyers seem to find it advantageous to delay settlements in civil cases as long as possible, despite modest sanctions against this strategem, which also adds to the uncertainty. The judge may delay or continue a case scheduled for trial for a great variety of good reasons. The number of jurors needed to begin each trial is also uncertain; the judge usually determines panel size, and wide differences are observed even for the same type of case.

All these uncertainties cause many jurors to feel the operation is disorganized. This feeling is enhanced where the jury clerk is not tuned in to events in the court. Since jurors are brought in to serve the court (not the reverse), the jury system must be adaptive to all the uncertainties implicit in the larger system. But even a well-run jury system may seem somewhat chaotic to persons who ordinarily spend their time in a stable and predictable environment. Some of the more important elements of jury system operation are discussed in the paragraphs which follow.

2.1 Operation of a Jury Pool

A jury pool is the collection of jurors reporting for jury duty in a given term and not yet assigned to a panel for voir dire or selected to sit on a trial jury. If a court does not use a jury pool, a separate jury panel or venire may be assigned to each judge intending to hold jury trials. In a one-judge court, pool and panel are essentially the same. In a multiple-judge court, all judges generally share the same pool and more than one voir dire and trial using jurors drawn from this common pool are frequently in process at one time.

Figure 2-1 shows the operation of a jury pool. Usually the jury pool assembles in the jurors' lounge until called to a voir dire for trial. When a judge calls a case for trial, a panel of jurors is sent from the lounge to the courtroom. Challenged jurors and those not reached on the panel list during the voir dire return to the lounge or are dismissed, while selected jurors (and perhaps a few alternates) sit in the jury box through the trial. After trial, the jurors return to the lounge to await their next assignment or are dismissed for the day or for the rest of the term.

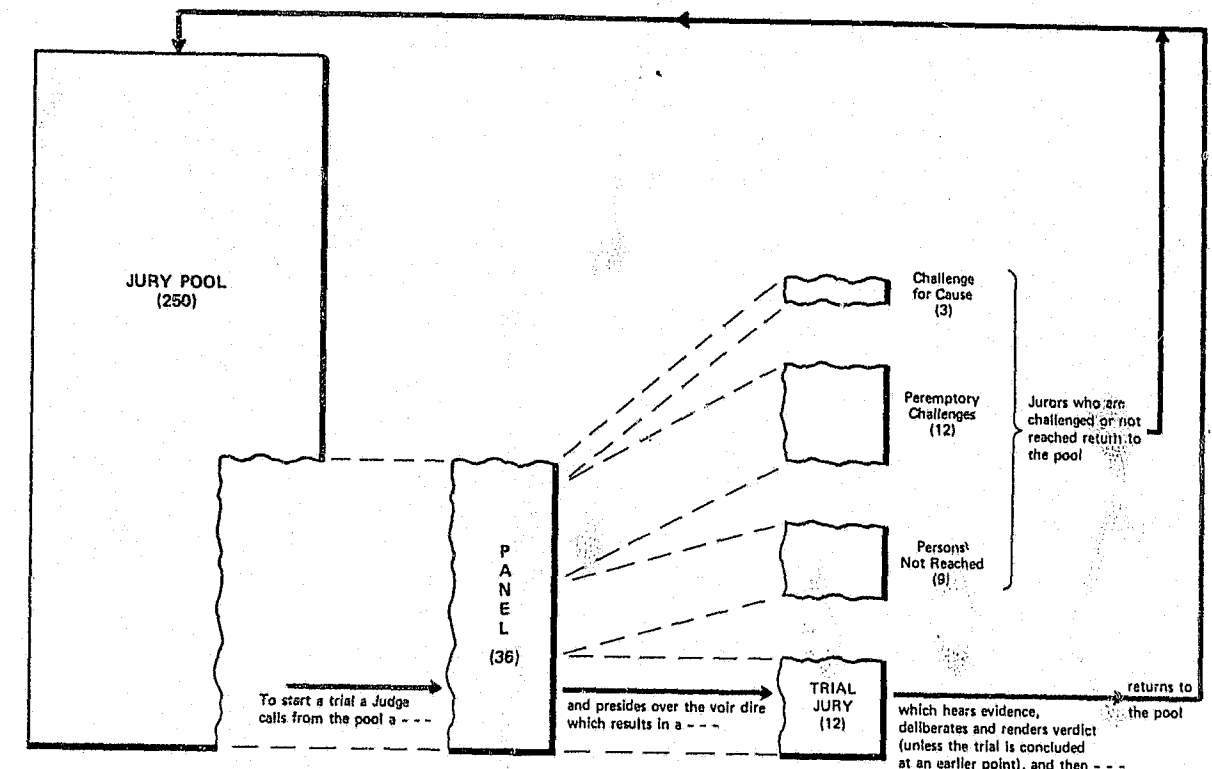


Figure 2-1. Jury Pool Operation (Typical Numbers)

The pool concept is adopted primarily to share jurors among courts or judges. But problems arise in managing a pool. If all the judges are somehow obliged to start trials at the same time, the pool must be large enough to prevent more than minimal waiting time by a judge. It must also be of sufficient size to cover the large panels sometimes required in special situations. Without strong guidelines, the tendency is to assemble enough jurors to cover all possible demands, which erodes the pool's potential advantage. The amount of unnecessary juror waiting time is often not considered by those determining the number of jurors to summon.

2.2 Daily and Weekly Patterns of Juror Usage

The way in which demands are made on the pool, the size of panels called, the fluctuating times of the day at which demands are made and supply is replenished by jurors returning from completed and postponed voir dres and trials, all combine to produce a varying balance of jurors in the pool. This uneven demand has a dominant daily and weekly rhythm or pattern based largely on the way in which the court does its work. Visualizing, understanding, and controlling this ebb and flow of jurors to and from the pool is the key to efficient use of jurors.

Figure 2-2 shows the actual pattern of one week's juror usage in a typical nine-judge city court. Understanding this figure is most important because, by plotting the number of jurors against working hours, it clearly illustrates the problem of matching the supply of jurors to the periodic demands, shows the peaks and valleys of the demand distribution, and demonstrates the rhythm of the court's cyclical need for jurors.

The chart shows that 163 jurors were called into the jury pool and were maintained at this level from Monday through Thursday. The first call for a panel occurred at 10:00 Monday morning, an hour after the jurors arrived; and an additional call was made about 10:40, resulting in a peak of 120 jurors from about 10:40 to 11:30. By noon, the voir dres had been completed, and only 36 jurors (three trial juries of 12 members each) were being used. Another peak of about 86 jurors occurred on Monday afternoon, and the use of jurors tapered off to 24 (two trial juries) which carried over to the next morning. On Tuesday, a peak of 126 jurors occurred at about 11:00, but it lasted only a few minutes. On Wednesday, another peak of 120 lasted about half an hour. On Thursday, the small peak of 36 jurors lasted only a few minutes, and all jurors were dismissed for a long weekend at 4:00 since this court does not conduct trials on Friday.

In this example, less than 40 percent of jurors' time was used productively in voir dire and trial during the week. Juror usage could have been improved by reducing the jury pool. A pool size of 120 rather than 163 would have saved more than 25 percent in jurors called, and there would have been only one delay of a few minutes on Tuesday morning.

This figure illustrates a typical situation; some courts manage the problem better than this and others do not do nearly as well. Section 3 describes ways in which better performance can be achieved.

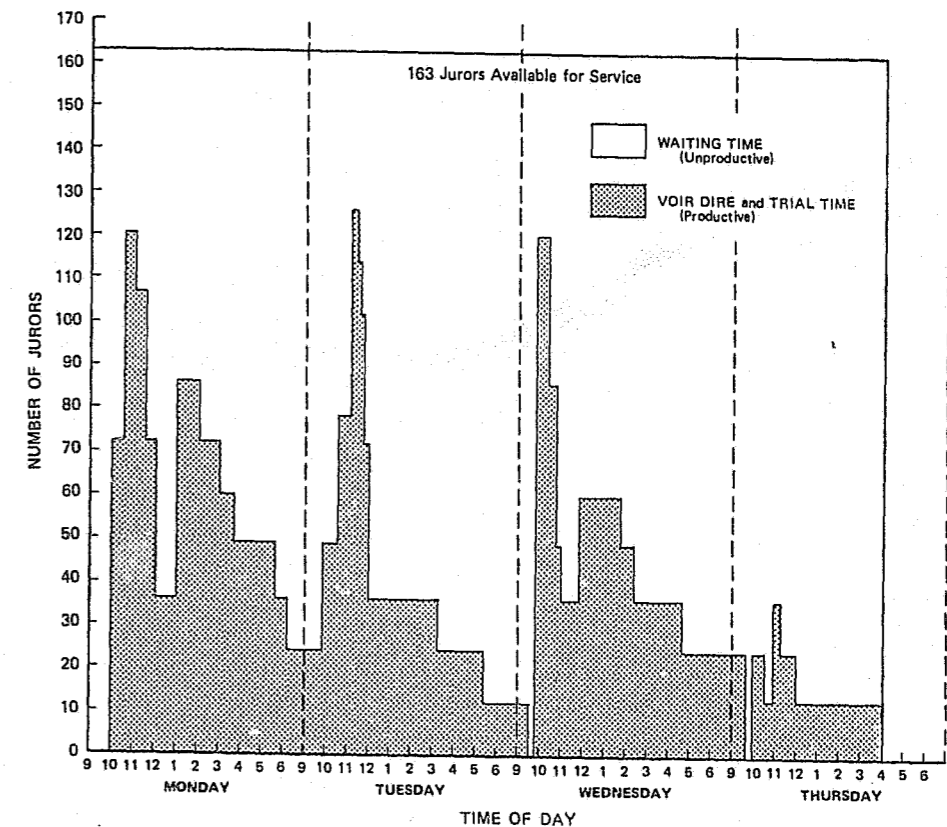


Figure 2-2. One Week's Juror Usage in a Typical Nine-Judge Court (No Trials Were Held on Friday)

SECTION 3

SEVEN GENERAL RULES FOR GOOD JUROR USAGE

The problem is one of balance. A certain amount of constraint on the judge may be indicated and tolerable; too great an effort to save juror time could prove counterproductive if one considers the court as a whole.

Professor Hans Zeisel
University of Chicago Law School
(co-author of The American Jury)

In the study of a number of courts on which this "Guide to Juror Usage" is based, it was observed that jury practices differed widely from court to court. Some courts achieved a high and satisfactory juror usage rate without affecting case flow; others did not. The practices supporting good juror usage can be stated as seven general rules, applicable to all court and jury sizes:

- (1) Adapt panel size 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 continuous operation over the week.
- (6) Do not overcall jurors to the pool.
- (7) Dismiss and excuse jurors whenever possible.

The order in which the rules are presented is the same as their logical order of implementation. Any combination of these rules will generally provide usable results. Courts which have only a few jury trials per week can seldom benefit from juror pooling, and the usual practice is to call in a panel of jurors for each trial. Small courts therefore have special problems, which are discussed under each of the applicable rules.

The seven general rules for good juror usage are discussed in more detail in the paragraphs which follow.

Rule 1 -- Adapt panel size to jurors needed.

■ Rationale

Panel sizes are established by statute, rules of court, or local custom. The panel must be large enough to provide the trial jury which is selected from it, to allow the parties to exercise peremptory challenges and to supply a number of persons to cover possible allowed challenges for cause. If it is too large, some jurors in the panel will be "not reached" and an excessive and "artificial" demand will be placed on the pool; the total number of jurors called in the non-pool situation will likewise be much too large.

Panels in some courts barely accommodate the challenges and the number selected for the jury. In other courts, panels are sometimes twice as large as actually required. Panel sizes often vary for trials of the same type, although experience indicates the number needed is about the same. The way unnecessarily large panels tend to exaggerate the daily peaks is illustrated in Figure 3-1. Three panels of 50 each cause a peak of 150 jurors; using three panels of 30 each would reduce the peak to 90.

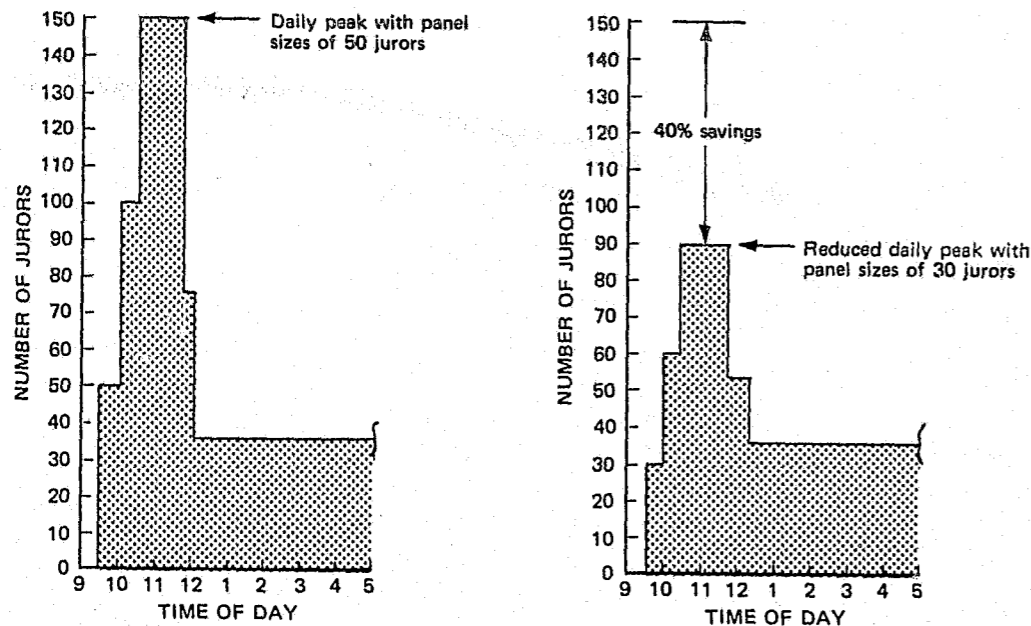


Figure 3-1. Exaggeration of Daily Peaks by Large Panels

■ Typical Means of Achievement

Many courts have solved this problem by reviewing their records of panel sizes and the number of challenges required in the past and then establishing adequate panel sizes for each type of case on the basis of this experience. In several jurisdictions, the judges decide or the parties stipulate the size of panels at pretrial. This practice not only gives the jury clerk advance notice of the panel size but ensures that it has been set deliberately for each particular case rather than left to custom or chance. Generally, a uniform size for each type of case is indicated throughout the court. The best criterion is to have a panel size that will provide the jurors needed in at least 95% of the cases.

Rule 2 -- Do not call panels prematurely or unnecessarily.

■ Rationale

In most courts, panels are escorted to the courtroom and the voir dire begins promptly. In other courts, the panels are often kept waiting while preliminary matters are discussed. As a result of this discussion, the trial may be postponed, a settlement reached, or a plea changed; the panel is returned to the juror lounge unused. Some short delay and non-use is expected, but unnecessary delay causes a long and largely artificial demand on the pool; in the non-pool courts, premature or unnecessary calling of panels may waste the jurors' entire day. In one court studied, nearly half the panels were returned unused and an average of 90 minutes was wasted each time this occurred. Juror usage could be improved by at least 25% by changing this practice.

■ Typical Means of Achievement

The jury clerk may keep records of panels sent from the jury lounge, the time they are away, and how they are used. If more than 10% of the panels do not proceed to voir dire or if the average time waiting for the voir dire to begin is longer than 15 minutes, cooperation of the bench may be enlisted to avoid having jurors wait while motions are heard or discussions are conducted at the bench or in chambers; these matters might more properly be taken up before the jury call is made. The jury clerk must promptly furnish jurors when they are requested so there is no need for prior call. When a panel reports to the courtroom, voir dire is begun immediately or the jurors are returned to the lounge.

Rule 3 -- Make special arrangements for exceptionally large panels.

■ Rationale

Most courts need large panels for highly publicized or multiple-defendant cases -- whether or not the court pools its jurors. Many jurisdictions also periodically draw grand jurors from the same group of persons reporting for petit jury service. But this need is frequently given no special consideration. Some courts pay a heavy price for not anticipating the need for extraordinarily large panels. The result is often disruption in the court's operation, delay of other trials, and the false impression left with judges and court administrators that not enough jurors are being called. Other courts make special and effective arrangements by receiving sufficient advance notice from the judge in question or from the assignment office so normal jury operation is not unduly affected.

■ Typical Means of Achievement

Special arrangements may include:

- (1) Calling additional jurors for the scheduled trial day and releasing those not used.
- (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 start during an off-peak day or hour.
- (5) Calling half of a large panel for the first day, another fraction for the second day, etc. If successive portions of the panel are not required, they may be notified.

Rule 4 -- Stagger trial starts.

■ Rationale

If the court's work flow is reasonably continuous and trials are started uniformly throughout the day or week, the demand for jurors is likewise smooth. Sharp and large peak demands caused by many simultaneous voir dices are avoided. Most multi-judge courts begin their jury trials at about the same time in the morning, especially where an individual calendar is used, but some courts have adopted

practices which attempt to avoid the problem. In general, the need to spread out the work flow by staggering trial starts is predominant in courts which pool jurors; but in courts which do not, the practice is advantageous as well.

■ Typical Means of Achievement

The more important ways courts can coordinate operation of the jury system with other operations without slowing case flow are discussed in the paragraphs which follow:

- (1) Encourage trial starts during off-peak hours. In courts using a juror pool, prevent simultaneous voir dices when possible. Some courts create a great peak demand by calling most panels between 10 and 11 am or by calling panels more often on certain days. For instance, one court system started 60% of its cases on Monday. If such a pattern exists, it is helpful to shift trial starts to off-peak hours or days, with decreased pool requirements. In the example shown in Figure 3-2, the peak demand for 135 jurors caused by 6 simultaneous voir dices could have been reduced to about 100 jurors if the last two trials had started in the afternoon. This would have resulted in a 26% saving.

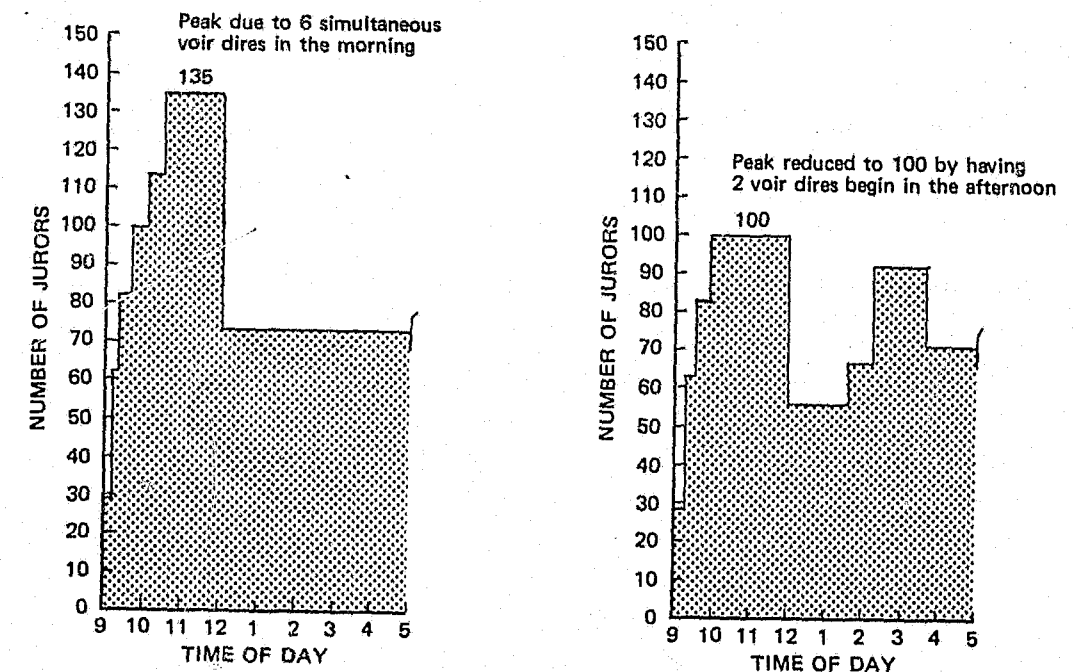


Figure 3-2. Reduction in Peak Demand by Trial Starts During Off-Peak Hours

(2) Encourage piggy-backing. Some judges find it advantageous to start a new trial while the jury in the previous trial is deliberating -- a practice known as piggy-backing. This encourages off-peak panel calls since the times at which juries begin deliberation are more randomly spaced throughout the day than the normal morning start-up time. It is frequently used by resourceful judges who want to maximize their trial output and wish to individually contribute to effective juror usage even though there is no organized program for doing so in the court. The practice also helps ensure continuous jury trial activity in the court, which further minimizes wasted juror services.

(3) Set up juries in advance of trial. Two practices, primarily applicable to smaller courts, have been used successfully to stagger trial starts by separating the voir dire from the actual trial:

• Multiple voir dire. A judge calls a relatively large pool for a single day, selecting from it successive panels, and conducts the voir dire to establish his trial juries for future days. Jurors selected for future trials are excused until the judge is ready to start the trial to which they have been assigned. This obviates the need for a large daily pool of jurors waiting to be selected for each day's trials.

• Single-day empanelment. This practice is similar to the multiple voir dire except all judges use the same day of the week to select jurors for all jury trials scheduled by the court for that week. Its effectiveness depends on the length of trials; it works fairly well if the judges average about one jury trial per week. If judges hear several trials per week, so many jurors would be required on an empanelment day that the practice could overburden available facilities.

In a variation of the single-day empanelment, courts which do not call jurors in on Friday select the jury in advance (e. g., on Thursday when the pool is present) for a Friday trial.

Rule 5 -- Maintain continuous court operation.

■ Rationale

Some courts maintain high juror usage throughout a week or a court term by starting a second jury trial almost as soon as the first trial is finished; and the number of jury trial starts is about the same on each day of the week. Bench trials, motions, pretrial conferences, and other judicial activities seem to fill in the voids rather than to dominate the scheduling of jury trials. This continuous operation spreads out trial starts and automatically provides staggered starts. Panel selection is randomly intermeshed with trials, and juror usage is maintained at reasonably high levels throughout the period. With continuous operation, the theoretical maximum use of juror time -- about 70% -- can be attained.

Other courts start most of their trials on one of the first days of the week or term, with other trial starts lightly scattered over the rest of the period, as shown in Figure 3-3. The inevitable result is high peak usage of jurors early in the period and low usage later. If the size of the jury pool is fixed for the entire period, the resulting waste is apparent.

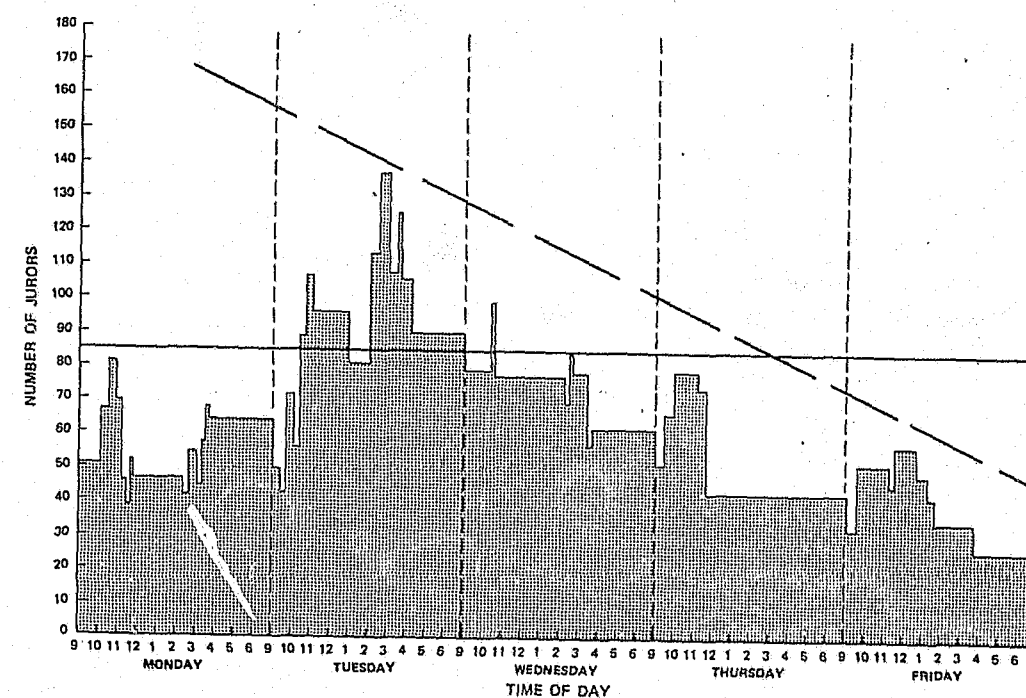


Figure 3-3. Effect of Noncontinuous Court Operation on Juror Demand

■ Typical Means of Achievement

Continuous operation is easier to maintain if a court employs a master (or central) calendar assignment system and has a single authority within that system to monitor case assignment for trial, with an eye to jurors available in the pool. In courts whose judges employ individual trial calendars, continuous operation can be achieved only through close communication between the bench and the jury clerk, and among all the judges.

Where the number of jury trials is small, some jurisdictions concentrate all of them in a separate court term. They use the time when jurors are present for jury trials and do not call jurors between the jury trial terms. A number of courts devote the first week of each month to business other than jury trials. Still other have a jury term of appropriate length every three months. During the jury trial term, it is possible to achieve more continuous operation and thereby economize on the use of jurors.

Rule 6 -- Do not overcall jurors to the pool.

■ Rationale

One objective of good juror usage is to use each juror at least once each day he is called. Some courts are able to call almost precisely the number of jurors needed each day or week. Others pay little attention to the number of jurors on hand as long as there are enough. Many courts use less than half the people called to the jury pool. An actual week's data displayed in Figure 3-4 shows an excessive call and its resulting, unnecessary juror waste. The top line in the figure shows the number of jurors in the courthouse; the bottom line defines the number actually used in voir dire and trials. The vertical distance between the two lines is the number of jurors sitting idle in the lounge. Other courts carefully monitor the use of the pool each day or week and change the number in the pool on the basis of expected activity. Some methods by which this can be done are given in Section 5 of this guide and in the discussion which follows.

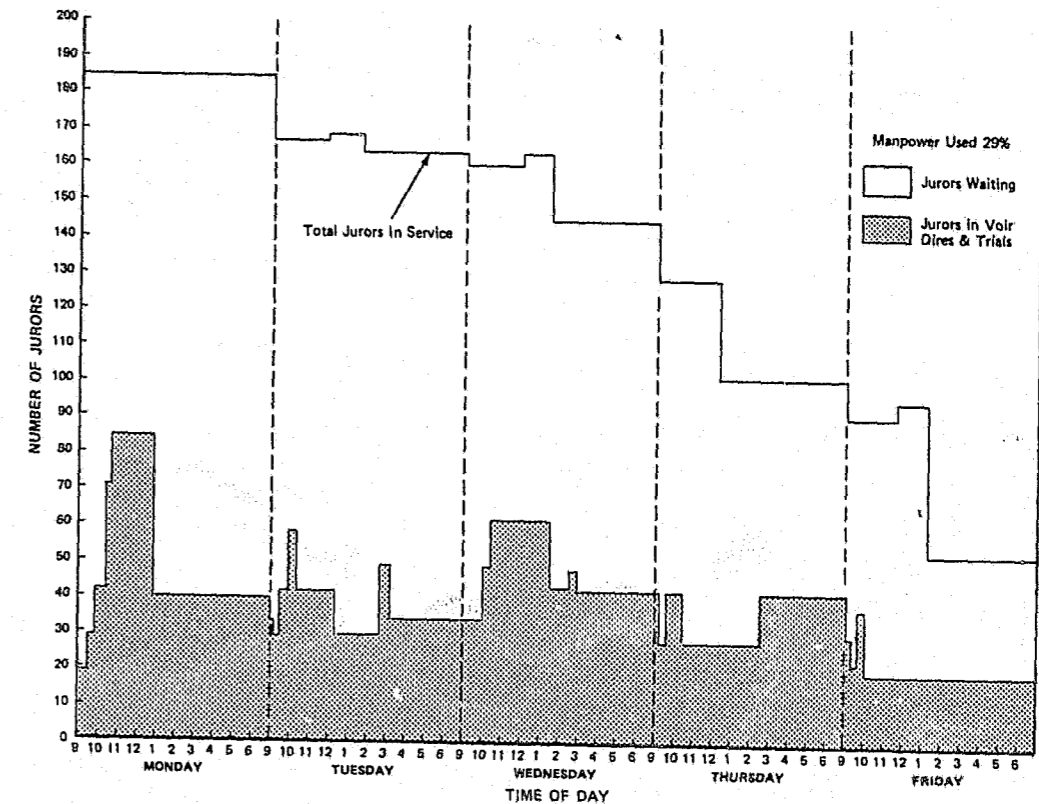


Figure 3-4. Example of Waste From Excessive Call

■ Typical Means of Achievement

- (1) Determine a systematic basis for predicting the proper jury pool size. This might be based on:
 - Number of courtrooms available; or
 - Number of judges holding trials; or
 - Measure of court activity, such as average number of trials per week.
- (2) Trim the pool each day. Estimate juror needs for future days, using any of the methods from (1) above. If the court has a pronounced weekly or monthly cycle, each day's estimate will be different. If the court has a continuous operation, these daily estimates will be about the same and will actually suggest the number needed for the weekly pool. With an individual calendar, each judge must assess his future needs and someone must put these estimates together; with a master calendar, the assignment office estimates future need for all judges.

(3) Do not reduce the pool by guess. There is a temptation to reduce the pool week by week or month by month based on the recent past. This will probably result in a shortage in the future, causing considerable delay in trial starts and inconvenience to judges and others involved in the delayed cases; resultant backlash increase of the pool to overcome the shortage defeats the attempt to reduce it.

(4) Make the pool flexible. Several courts have adopted procedures that provide a more flexible supply of jurors. They must be implemented carefully, of course, to avoid challenges to randomness of selection; but where they are used, courts and jury clerks are enthusiastic with their success. These techniques include:

- Standby jurors. A developing practice is to permit jurors who work near the courthouse to return to their jobs, for call during periods of high and unexpected demand. These "standby" jurors can be called quickly by telephone. They are paid only when they report, but they are available for service when needed. Some clerks report, however, that the task of telephoning is overly time-consuming and that response is poor.

- Pool swapping. A number of metropolitan court complexes are so large that several jury pools are maintained. When one pool runs low, others provide jurors. One city's civil jury pool is separated from the criminal pool; but when either runs low, the other provides the necessary panels. Pools may also be separated when they are too large for one assembly area or when courts are located in different parts of the city. Effective pool swapping can provide many of the economic advantages of the large pool with the further benefit of having small groups of jurors close to their points of need.

Prompted by the desire to reduce the number of jurors called and to save costs, many courts are adopting rules allowing the use of six-member juries. However, the actual cost-saving is not altogether clear. In one court, for example, the actual reduction in jurors required after the change to six-member civil juries was 20% rather than the 50% some thought would result. It was also found that the duration of the voir dire and trial was not changed at all by jury size and, most surprising, that the number of challenges was about the same.

Rule 7 -- Dismiss and excuse jurors whenever possible.

■ Rationale

In some courts, jurors are forced to wait in the jury lounge through the entire afternoon even if the chance of being called for a voir dire is negligible. Another frequent custom is to call in all jurors to pick up their checks on the last day of the week even though experience shows less than one-fifth of them will be used that day. The greatest single juror utilization problem found in small courts is cancellation of a trial after the panel of jurors has been notified to appear. But courts which approach juror management from the perspective of the juror have developed a flexible policy for excusing jurors as soon as it is apparent they will not be needed. This acknowledges that jurors' time is valuable and increases their respect for the management of the court. In the example shown in Figure 3-5, a dismissal policy which would more closely match supply to demand should have been implemented.

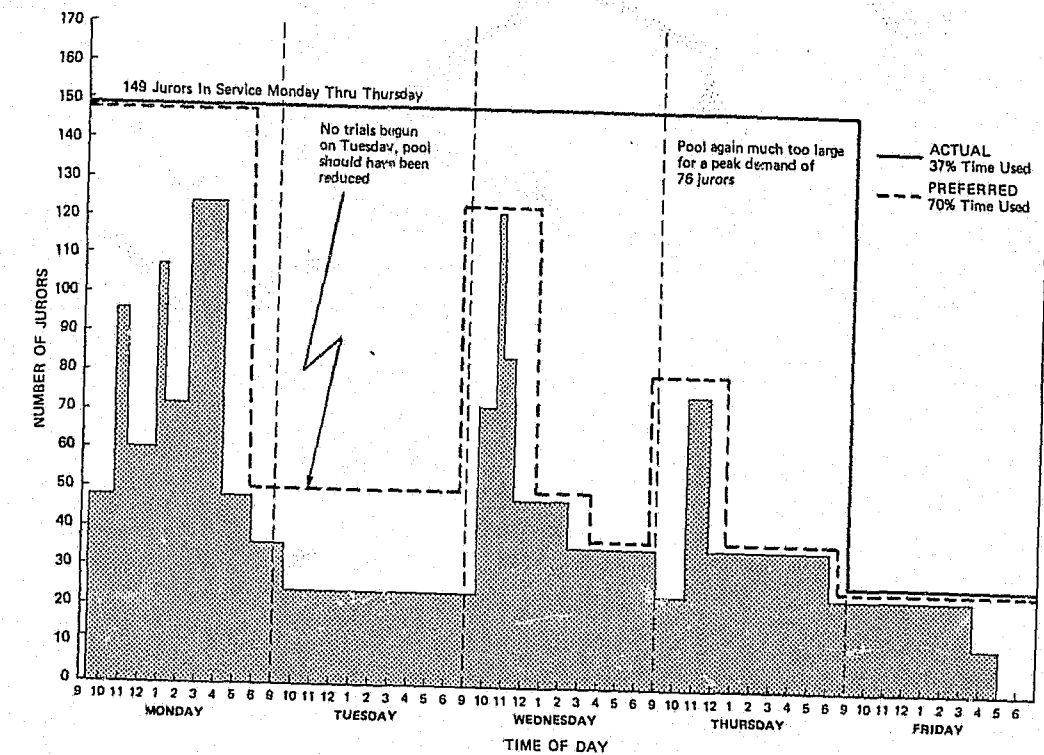


Figure 3-5. Impact of a Flexible Dismissal Policy

■ Typical Means of Achievement

A general policy can be established to dismiss and excuse jurors early when the number summoned is found to be excessive or when the case is cancelled. The best system is prior-day notification, for which many courts use recorded telephone messages (with multiple lines). When such devices are used, the juror is notified (often in the jury summons) to call a given telephone number prior to reporting, to ascertain whether he will be needed. This places the responsibility on the juror to report for duty only when notified via the recorded message (see Subsection 6.4).

SECTION 4

JUROR MANAGEMENT EFFECTIVENESS

The tools [developed by operations research] required to do the job should be made available to those who need them [and they] should not be too complex to use. In some cases the tools may require simplification even if such simplification results in a loss of some of the original solution's power.

Churchman, Ackoff, and Arnoff
Introduction to Operations Research

Management in any field requires solid information on which to base decisions, and the field of jury system management is no exception. Most courts have detailed accounts of jury fees and expenses, but relatively few keep meaningful records to measure how efficiently or effectively the money is being spent. Several courts have devised and tested methods of recording information concerning juror utilization. Experience has shown the modest time expended has been useful in managing and controlling an effective and efficient jury system.

Once the important principles and objectives are understood, data can be collected and analyzed in a variety of ways. This section presents an integrated framework for record-keeping, data reduction, and analysis which can be adapted by court personnel. Sample forms for recording and analyzing data are introduced and explained. Blank forms for local reproduction are supplied at the back of the guide.

The data analysis may be as detailed as desired; however, two levels are recommended. The first is an analysis of typical operations during several months, using the methods described in subsections which follow (4.1 and 4.2 apply only to courts using a jury pool). This will provide an assessment of conformance to the seven rules given in Section 3 and will indicate areas requiring attention. The second level, an overall measure of effectiveness explained in subsection 4.3, is considered to be a simpler, continuous monitor of juror utilization. The measure of effectiveness, the Juror Usage Index, provides an easily understood parameter which can keep court personnel apprised of the general level of juror utilization and can alert the court to situations requiring attention.

It is recommended that data be collected from two locations:

- (1) Jury pool transaction data (if juror pool is used). The objective of collecting this data is to show the operating profile of the jury pool from the pool's perspective. This information can be reduced to graphically portray the size of the central pool and each addition to and subtraction from it.
- (2) Jury panel and case data. The objective of collecting this case-by-case data is to show what use is made of each panel once it is called for a voir dire. This information can be analyzed in many ways to reveal how effectively the court is using jurors and how well the jury system is supporting the court.

The primary concern is to record only necessary data for a sufficient period to provide an adequate foundation for analysis.

4.1 Jury Pool Data

Although jury pool status could be reconstructed from a compilation of the jury panel data forms, studies show it is easier to maintain a central record of all transactions involving the jury pool. The jury pool data form, illustrated in Figure 4-1, provides a daily record of the time each juror transaction occurred, the judge initiating it, the type of transaction, and the number of jurors involved. It is thus a running summary of juror activities. An entry is made on the form by the clerk in the jury lounge each time a transaction occurs, and the three right-hand columns are updated to maintain a continuous tally of manpower available for use in the jury lounge and of those being used productively. One day's typical transactions are shown as entries to the form.

The most useful application of this information, and one which presents the clearest understanding of how manpower is apparently being applied, whether the pool is too large, whether jurors are being excused if they are not needed, and how the pattern of activity is changing over time, is shown in Figure 4-2. It is a simple plot of the number of jurors productively employed in voir dire and trial, and the total number in service, versus time of day. The profile plotted in the figure uses the illustrative example from Figure 4-1, and the two can be compared to learn how the data are plotted. Peak demands for the day and their time of occurrence are shown.

DAILY JURY POOL STATUS AND TRANSACTIONS
Date: MARCH 9, 1971

Time	Case No.	Judge	Transaction	No. in Transaction	Running Totals With Adjustments for Each Transaction		
					No. in Pool	No. in Voir Dire & Trial	Total in Service
9:00	---	---	Status at morning startup	---	40	60	100
9:30	471	SONES	PANEL SENT	24	16	84	100
10:00	-	-	JURORS REPORTED LATE	2	18	84	102
10:40	485	ROE	PANEL SENT	12	6	96	102
11:30	101	STOWE	JURY RETIRED	12	18	84	102
"	471	SONES	PANEL RESUMED (SETTLEMENT)	24	42	60	102
3:00 PM	-	-	JURORS EXCUSED FROM SERVICE	12	30	60	90
"	485	ROE	PANEL RESUMED	6	36	54	90
"	321	SMITH	JURY RETIRED	6	42	48	90
3:10	452	MURRAY	JURY RETIRED	12	54	36	90

Figure 4-1. Sample Jury Pool Data Form

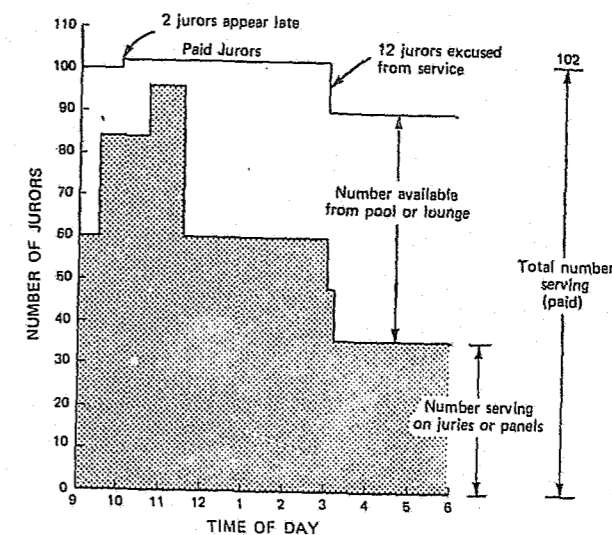


Figure 4-2. Daily Jury Pool Use Profile

4.2 Panel and Trial Case Data

Case data on event times and the number of jurors involved are necessary if an in-depth study of juror usage is to be made. This information can be recorded using the form shown in Figure 4-3, the jury panel utilization data form. This form should be sent to the courtroom along with the panel list (if used). The times and numbers are filled out by the clerk in the courtroom. At the termination of the trial, the form is made available to the person assigned to compile and analyze the data.

Many important factors about the court's use of jurors can be obtained from the data collected on the jury panel data form. The most significant are time intervals and panel utilization. When all the intervals of interest have been figured, their ranges and averages can be easily computed on special analysis forms such as those shown in Figures 4-4 and 4-5. Possible analyses are discussed in the paragraphs which follow.

Number 121

JURY PANEL UTILIZATION DATA FORM

Case Number 73-2172 Civil Criminal

Judge JONES

EVENTS:

	Date	Time	Interval (minutes)
• Panel requested	2/13/74	9:00 am	
• Panel arrived in courtroom	"	9:10 am	
• Voir dire started	"	9:30 am	
• Voir dire ended	"	10:45 am	
• Trial started	"	10:50 am	
• Trial ended	2/14/74	1:30 pm	
• Panel returned unused.		am pm	
• Other _____			

PANEL USE:

(6) 40 = 14 + 7 + 12 + 7

Total size of panel furnished Size of jury and alternates Challenges for cause allowed Peremptory challenges exercised Jurors not sworn or challenged

CASE DISPOSITION DATA:

Criminal ACQUITTED Civil _____

Prepared by J. JOHANSEN Return to CLERK OF COURT RM 310

See comments on reverse side.

Figure 4-3. Sample Jury Panel Utilization Data Form

- (1) Time panel requested to time panel arrived. This interval notes how long a judge waited for a panel. Its analysis will help determine if the jury management system is responsive to the judge's needs. If a judge wishes to maintain a tight operating schedule (without having jurors wait for him or waiting for a panel of jurors), it will indicate about how far in advance of actual need he should send for a panel. One wait in 20 beyond twice the average is acceptable in most courts. A simple form for this analysis is shown in Figure 4-4.

JURY POOL RESPONSE TIME ANALYSIS FORM

Form No. (Optional)	Entry Number	Interval (minutes) "Panel Requested" to "Panel Arrived in Courtroom"
127	1	10
128	2	7
129	3	15
130	4	13
131	5	6
132	6	12
133	7	5
134	8	35
135	9	14
136	10	17
141	11	14
142	12	5
151	13	6
152	14	15
	15	
	16	
	17	
	18	
	19	
	20	

INSTRUCTIONS

This form provides a simple tally and computation sheet for measuring the responsiveness of the jury pool system in delivering panels to courtrooms after they are requested.

The results of the analysis tells the judges how far in advance of actual need they should make their requests for panels.

To use:

- (1) Enter interval data from the "Jury Panel Utilization Data Forms".
- (2) Add the intervals.
- (3) Divide by number of entries.
- (4) Circle the longest and shortest intervals to obtain the range.

$$\frac{\text{total } 174}{\text{number of entries } 14} = \text{average response time } 12.4$$

35 MINUTE WAIT WAS FOR LARGE PANEL (68 PEOPLE). NO PRIOR NOTIFICATION GIVEN

Number of Entries 14 Total 174

Figure 4-4. Sample Form for Analyzing Jury Pool Response Time

- (2) Time panel arrived to time voir dire started. This interval will show how often panels are called prematurely and must wait for the judge to begin. It can also reveal whether the wait is inherent in court operation or is unique to certain judges. Since it is a measure of good jury management, cases where long delays occurred might usefully be analyzed individually to see if some common factor exists which might be anticipated or corrected. Usually it is an organizational breakdown in communication which can be easily remedied once identified. A sample analysis form for this important dimension of court operation is also included as Figure 4-5.

IDLE PANEL IN COURTROOM ANALYSIS FORM

Form No. (Optional)	Entry Number	Interval (minutes) "Panel Arrived" to "Voir Dire Started"
127	1	20
128	2	4
129	3	0
130	4	3
131	5	49
132	6	10
133	7	2
134	8	3
135	9	33
136	10	5
137	11	8
138	12	6
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	

INSTRUCTIONS

This form provides a single method for reducing data showing how long jurors wait in the courtroom for voir dire to begin.

Its results show whether judges are making good and efficient use of jurors drawn from the pool or, conversely, are placing "artificial" demands on the pool by calling panels too early.

To use:

- (1) Enter interval data from the "Jury Panel Utilization Data Forms".
- (2) Add the intervals.
- (3) Divide by number of entries.
- (4) Circle the longest and shortest intervals to obtain the range.

$$\frac{\text{total } 141}{\text{number of entries } 12} = \text{average idle time } 11.8$$

WITHOUT #5 & #9
 $\frac{61}{10} = 6 \text{ MINUTES}$

ENTRIES 5 & 9 ARE FOR CASES TRIED IN REMOTE COURT. JURIES ARRIVED BEFORE PARTIES TO ACTION.

Number of Entries 12 Total 141

Figure 4-5. Sample Form for Analyzing Pool's Idle Time in Courtroom

(3) Voir dire start to voir dire end. Long voir dices increase the probability that several voir dices will overlap. Simultaneous voir dices create large demands on the jury pool. A reasonably accurate knowledge of average voir dire duration is a prerequisite to accurately obtaining proper pool size from the tables in Section 5. Individual judges might also be interested in knowing how their performance varies from the norm. This interval can be analyzed like the two preceding, and other intervals for which data have been collected can be analyzed in the same way.

(4) Time of voir dire start. Analyzing this factor will measure how well the court is maintaining continuous operation of its jury trials, i. e., how many of the panels are called in the morning and afternoon or how they are distributed throughout the day. A typical method of analyzing this kind of data is shown in Figure 4-6 where each event is recorded by "X" when it occurs.

The following kinds of conclusions can be drawn from this analysis:

- Of the 63 events, 86% occurred in the morning.
- 44 of 63 events, or 70%, occurred between 10 and 11 am.
- An effort should be made to reduce the peak by starting more voir dices in the afternoon and avoiding the 10 to 11 am period.

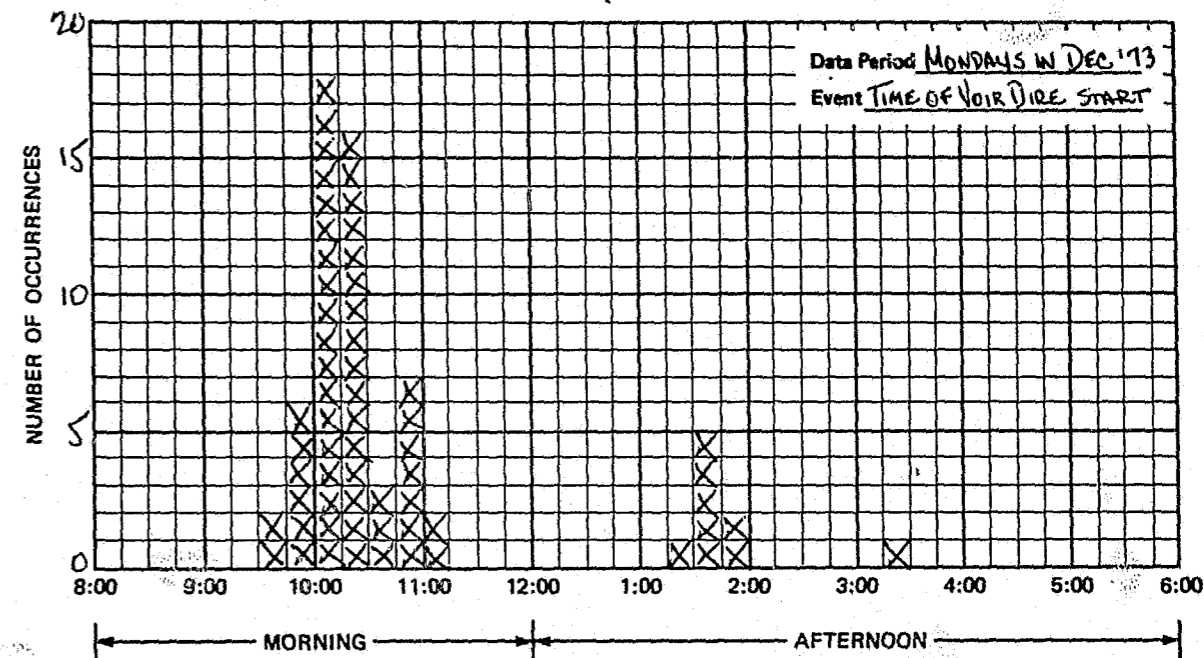


Figure 4-6. Typical Method of Analyzing Time of Event

(5) Unused panels. The number of panels sent but not used for selecting a jury can be determined directly from the forms. Simply count the forms to obtain the total number of panels, count the number of panels not used, and compute percentage:

$$\frac{\text{unused panels}}{\text{total panels}} \times 100 = \text{percent unused panels}$$

A value of 10% of the panels not used is probably to be expected. Values above this warrant study and corrective action.

(6) **Panel use.** A tendency toward unnecessarily large panels can be discovered by examining the number of jurors reached versus the size of the panels furnished. This type of analysis is illustrated in Figures 4-7 and 4-8. The data which has been collected on the individual jury panel data forms (Figure 4-3) can be compiled for about 50 cases on the data reduction form (Figure 4-7) and then plotted as shown in Figure 4-8. The example data evaluated in the figures reveal that panel size furnished was not related to jurors needed and could be reduced. The following kinds of inferences can be drawn from this type of analysis:

- Panels furnished ranged from 32 to 48 jurors.
- The largest number of jurors required from any panel was 33.
- Except for the one voir dire requiring 33 jurors, 24 would have been adequate for all panels.
- Panel size should be established at 24 except for extraordinary cases.

Many other factors of jury system operation can be analyzed from the data collected on the use of panels -- more accurate profiles of trial duration; impact of changes in rules of procedure designed to prevent last-minute no-trial case dispositions; how widely judges differ in performing similar duties; if the jurisdiction's allowable number of peremptory challenges is rationally related to the number used; and the like.

JURY PANEL UTILIZATION DATA REDUCTION FORM

Data Form Number (optional)	Total Size of Panel Furnished	Jurors Not Sworn or Challenged	Jurors Actually Needed for Voir Dire
127	40	7	33
128	35	15	20
129	35	17	18
130	38	21	17
131	36	20	16
132	48	30	18
133	42	23	19
134	38	19	19
135	38	16	22
136	39	17	22
137	40	16	24
138	40	20	20
139	39	21	18
140	46	26	20
141	36	14	22

Figure 4-7. Sample Jury Panel Data Reduction Form

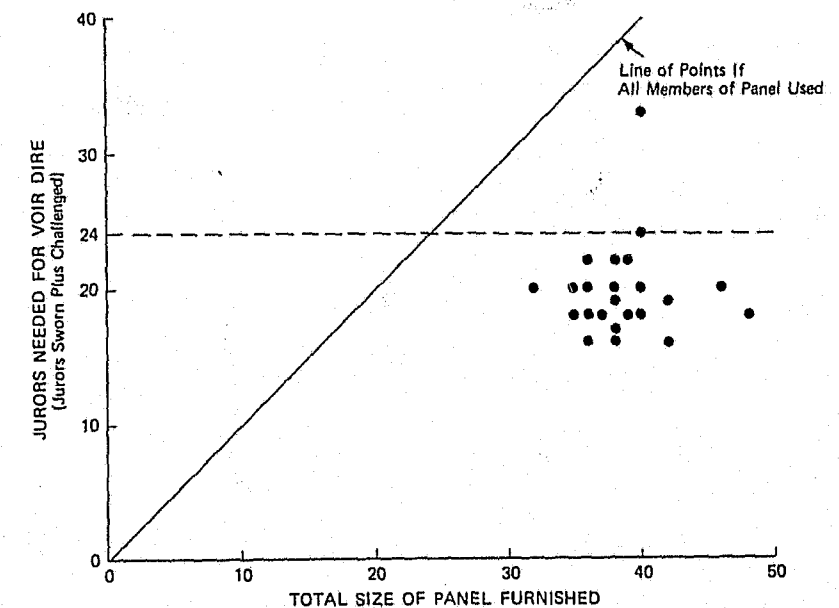


Figure 4-8. Correlation Plot of Data From Figure 4-7

4.3 An "Overall" Measure of Effectiveness

United States District Courts employ a monthly "Petit Jurors Used" reporting form (JS-11) which provides a Juror Usage Index (JUI) -- the smaller the number, the better the performance. In fiscal year 1973, the average JUI for the 94 United States court districts was 20.2. Best-to-worst performance ranged from 12 to over 40. Since the JS-11 form does not differentiate between 6- and 12-member juries, it has been modified in Figure 4-9 to remove this analytical bias.

The JUI is a good overall administrative measure of juror utilization efficiency, but it does not reveal the finer details of the juror system as do the previously recommended data collection forms and their analysis. Its virtue lies in its simplicity and ease of reporting. After a detailed study of jury system performance, the JUI can be used on a continuing basis and monitored for changes. Large changes indicate further study is needed -- perhaps re-implementing more rigorous data collection and analysis.

The JUI is calculated by dividing the number of juror days available by the total number of trial days. If 6- and 12-member juries are used in a jurisdiction, the number of trial days is weighted, as shown in the sample data in Figure 4-9.

Some simple analyses are also possible with the information collected by this form. If panels are not excessive, the optimum JUI will be the sum of columns C and D divided by the same weighted total of trial days. If the panels are excessive, the JUI could be better than this calculated value, but never better than the JUI given by dividing column C by the weighted number of trial days.

The JUI is biased by the length of the jury trials. Therefore, before comparisons between courts are made, the comparability of trial length should be verified. In addition, if the JUI changes greatly between two periods, it would be wise to check for the existence of one or two extremely long trials.

PETIT JURORS USED							
FOR MONTH OF				YEAR		PLACE OF HOLDING COURT	
FEBRUARY				1974			
DATE (record daily)	A JURIES IN TRIAL		NUMBER OF JURORS				F (optional) In this space each court may record such facts about daily juror situations as it finds helpful for later usage analysis (e.g., number of jurors requested by each judge vs. number actually used, times when same juror serves on more than one trial on given day, identity of capital offense cases, etc.).
	6-man	12-man	B Total Available To Serve	C Served on Trial Juries	D Challenged And Not Reached	E Not Used	
FEB 1	0	2	50	24	24	2	
4	4	2	100	60	30	10	
5	3	1	95	30	0	65	
6	4	2	90	48	24	18	
7	6	0	90	36	24	30	
8	5	0	60	30	0	30	
11	4	3	125	60	60	5	
12	2	2	100	36	0	64	
13	3	2	100	42	12	46	
14	4	3	100	60	36	4	
15	1	1	50	18	0	32	
18	3	3	110	54	54	2	
19	2	4	110	60	9	41	
20	3	3	90	54	12	24	
21	2	2	50	36	0	14	
22	1	1	30	18	0	12	
25	4	1	108	36	48	24	
26	3	2	101	60	16	25	
27	4	3	99	60	24	15	
28	3	3	80	54	0	26	
MONTHLY TOTALS			1738 Juror Days Available	876	313	489	
6-man total x 0.5 = 30.5							
12-man total = 40.0							
Total Trial Days (weighted) 70.5							
$\frac{\text{Juror Days Available}}{\text{Total Trial Days}} = \frac{1738}{70.5} = 24.7$			JUROR USAGE INDEX				
INSTRUCTIONS							
1 Column B, minus Column C, minus Column D, equals Column E.							
2 Column A-show the number of separate jury trials in process, whether or not the trial is completed that day. Also if two trials occur in same courtroom within the day count these as two.							
3 Column B-show total number reporting as available to serve, whether or not put on a panel or a jury. Exclude any excused jurors if they were not paid an attendance fee.							
4 Column C-show number serving any part of the day as sworn jurors for any specific case trial, even if case settles before evidence is introduced.							
5 Column D-show number challenged and not reached during voir dire for any trial service that day. Persons challenged in one trial but used in another are counted in Column C.							
6 Column E-show jurors neither challenged nor sworn for any specific trial.							

Figure 4-9. Adapted JS-11 Form

Cost savings in juror fees may be predicted using the JUI. A one-point reduction in the JUI will always produce a dollar savings equal to the daily fee times the number of weighted trial days associated with that JUI. For example, the number of weighted trial days in Figure 4-9 is 70.5. If the daily fee is \$10, the dollar savings produced by reducing the JUI from 24.7 to 23.7 would be calculated:

$$\begin{aligned} \text{Dollars Saved Per Month} &= (\text{Daily Fee})(\text{Weighted Trial Days}) \\ &= (\$10)(70.5) \\ &= \$ 705.00 \end{aligned}$$

$$\text{Annual Savings} = \$8,460.00$$

As the JUIs are accumulated over several months, their variations can be used to determine factors having the greatest impact on juror utilization. Courts may then improve their own juror usage by adopting practices shown to be beneficial.

SECTION 5

NUMBER OF JURORS NEEDED

The methods and techniques for stretching juror resources must be identified, tested, and incorporated into national jury management guidelines ...

Juror Utilization in United States Courts in Fiscal Year 1971

This section introduces several methods for setting the number of jurors to call into the jury pool for new trials which will be starting; this number does not include persons already sitting on juries. The principles involved in constructing the formulas and tables are based on experience and, as such, are generally sound. Translating theory into practice, however, is extremely difficult and must be approached with caution. Using a formula or selecting numbers from the tables without careful consideration of all the factors involved may cause serious disruption in the court schedule. The best way to use this section is to compare its results with the court's experience and to construct similar tables based on local conditions.

5.1 Jury Pool Size Formula (Federal)

The jury pool formula described in a publication for the federal courts¹ gives a rough means of approximating a proper daily call-in. With this formula, the number of jurors to be called is determined as:

$$\left(\begin{array}{c} \text{jurors to have} \\ \text{on hand} \end{array} \right) = \left(\begin{array}{c} \text{jurors needed} \\ \text{for one trial} \end{array} \right) \left(\begin{array}{c} \text{judges sitting} \\ \text{on jury cases} \end{array} \right) + \left(\begin{array}{c} \text{jurors needed for} \\ \text{challenges in one case} \end{array} \right) + \left(\begin{array}{c} \text{safety factor} \end{array} \right)$$

For example:

■ If the jury size is 12, one judge is sitting, the parties are allowed 3 peremptory challenges on each side, and a safety factor of 7 jurors is used in case of last-minute absences or unexpected disqualifications, 25 jurors are needed to conduct one trial.

$$N = (12)(1) + 6 + 7 = 25$$

¹Guidelines for Improving Juror Utilization in United States District Courts, The Federal Judicial Center, Washington, D. C., October 1972, p. 25, citing Proceedings of the Judicial Conference of the United States, March 1970, Item H2.

■ If two judges are trying cases, only 12 additional jurors (a total of 37) need be called. One judge will select his jury from the panel of 37; the 25 jurors not selected can go to the second courtroom for that trial.

$$N = (12)(2) + 6 + 7 = 37$$

■ If three judges are trying cases, two voir dire can be held simultaneously. Under the formula, 49 jurors would be required, divided so that 25 jurors would be sent to one courtroom and 24 to another. After these two voir dire and selection of the two (12-member) juries, the remaining 25 jurors would be sent to the third courtroom for voir dire.

$$N = (12)(3) + 6 + 7 = 49$$

5.2 Tables of Required "Call In"

5.2.1 Construction of the Tables

Tables have been prepared which are based on actual data collected from many courts and used in a computer simulation to determine the peak number of jurors needed under a set of conditions found important in practice:

- Size of jury;
- Expected number of trial starts;
- Voir dire duration; and
- Panel size.

The computer selected actual cases at random under a range of these conditions to simulate 40 consecutive weeks, or about one operating year. From this operating data, the computer determined the peak number of jurors used each day; from the distribution of the daily peaks, the number of jurors satisfying 95% of the peaks was found. The required pool sizes thus estimated are listed in Table 5-1 for 12-member juries and in Table 5-2 for 6-member juries. Use of the tables is discussed in paragraphs which follow.

Table 5-1. Number of Jurors for Daily Call-In -- 12-Member Jury

Expected Number of Panel Calls*	Second Largest Panel Size Expected				
	15 to 20	21 to 26	27 to 32	33 to 38	39 to 44
(A) Voir dire time of 45 minutes or less					
1	18	24	30	36	42
2	30	36	42	48	54
3	42	48	54	60	66
4	54	60	66	72	78
5	66	72	78	84	90
6	78	84	90	96	102
7	90	96	102	108	114
8	102	108	114	120	126
9	114	120	126	132	138
10	126	132	138	144	150
(B) Voir dire time of 46 to 90 minutes					
1	18	24	30	36	42
2	36	48	60	72	84
3	48	60	72	90	108
4	60	72	90	108	128
5	72	84	102	120	138
6	84	96	114	132	150
7	96	108	126	144	162
8	108	120	138	156	174
9	120	132	150	168	186
10	132	144	162	180	198
(C) Voir dire time over 90 minutes					
1	18	24	30	36	42
2	36	48	60	72	84
3	54	72	90	108	126
4	72	90	108	126	144
5	90	102	120	138	156
6	102	114	132	156	168
7	114	126	144	162	180
8	126	138	156	174	192
9	138	150	168	186	204
10	150	162	180	198	216

* For more than 10 starts, add 12 jurors for each additional start.

Table 5-2. Number of Jurors for Daily Call-In -- 6-Member Jury

Expected Number of Panel Calls*	Second Largest Panel Size Expected				
	11 to 13	14 to 16	17 to 19	20 to 22	23 to 25
(A) Voir dire time of 45 minutes or less					
1	12	15	18	21	24
2	18	24	30	33	36
3	24	30	36	39	42
4	30	36	42	45	48
5	36	42	48	51	54
6	42	48	54	57	60
7	48	54	60	63	66
8	54	60	66	69	72
9	60	66	72	75	78
10	66	72	78	81	84
(B) Voir dire time of 46 to 90 minutes					
1	12	15	18	21	24
2	24	30	36	42	48
3	30	38	45	53	60
4	36	45	54	63	69
5	42	51	60	69	78
6	48	57	66	75	84
7	54	63	72	81	90
8	60	69	78	87	96
9	66	75	84	93	102
10	72	81	90	99	108
(C) Voir dire time over 90 minutes					
1	12	15	18	21	24
2	24	30	36	42	48
3	36	45	54	63	72
4	42	53	63	73	84
5	48	60	72	81	90
6	54	66	78	87	96
7	60	72	84	93	102
8	66	78	90	99	108
9	72	84	96	105	114
10	78	90	102	111	120

* For more than 10 starts, add 6 jurors for each additional start.

5.2.2 Using the Tables To Determine Daily Call-In

The number of jurors required in the daily call-in -- for a pool, for multiple voir dire, or for single-day empanelment -- is found from the tables by four basic steps:

Step 1 -- Select the proper table for the size of juries used.

Since two tables are provided, one for 12-member juries and one for 6-member juries, select the appropriate table as the initial step.

Step 2 -- Determine average voir dire length.

There are three divisions in each table, based on average voir dire lengths: (A) 45 minutes or less; (b) 46 to 90 minutes; and (C) exceeding 90 minutes. Most courts will find the middle range of voir dire times best fits their needs. In case of doubt or before precise information is gathered about voir dire lengths (as described in Section 4), use the middle range.

Voir dire length is critical in determining the necessary pool size. As it increases, the chance of voir dire overlapping or occurring simultaneously also increases. Simultaneous voir dire have a direct effect on the peak number of jurors required in a day and hence have a dominant effect on the required pool size.

Step 3 -- Estimate number of expected panel calls.

In some courts, the assignment judge or each regular judge's calendar clerk notifies the jury clerk of the expected number of panels to be required on the following day or days. This type of estimate should be used with caution -- it tends to overstate the number of trials actually starting. Instead, the expected number should be compared with the recent history of panels actually called, to derive an experience (planning) factor by which the number of panels likely to be used may be more accurately estimated.

A form similar to Figure 5-1 is used in one court to advise the jury clerk of panel requests made by the judges late in the afternoon prior to the next court day. Actual panel usage is recorded the following day, together with explanatory information about panels not used. The data entered on this form may be used to calculate the planning factor.

PANEL REQUEST FORM

Date MARCH 7, 1974

JUDGES	CIVIL						CRIMINAL						
	Panel Requested Prior Day	Panel Used	Panel Not Used Because of			Reason Continued	Panel Requested Prior Day	Panel Used	Panel Not Used Because of			Reason Continued	
			Settlement	Case Dismissed	Jury Trial Waived				Continued	Plea	Case Dismissed		Jury Trial Waived
A													
B	1	1											
C	2	1	1										
D													
E	1				1	WITNESS UNAVAILABLE							
F							1						
G							1	1					
H													
I							1	1					
J							1	1					
TOTALS	4	2	1	0	0	1	3	2	2				

Figure 5-1. Example Panel Request Form

In the example data given in the figure, seven panels were requested by Judges B, C, E, G, I, and J (two panels for Judge C). Information recorded the next day reveals that only four panels were actually called, and one of these was for Judge F who had not anticipated this need. For this one day, 57% of the requested panels were used, calculated as follows:

$$\frac{\text{Panels Used}}{\text{Prior Day Panel Requests}} = \frac{2 + 2}{4 + 3} = 0.57$$

Similar calculations are made for many days; the average of the percentages derived is the planning factor. For the example court, if the planning factor were found to be 60%, then for the day shown 60% of the 7 panels requested would indicate 4.2 panels needed. Accordingly, a figure of 5 expected panel calls would be used in entering the tables to determine the next day's call-in.

Step 4 -- Estimate "second largest" panel size expected.

Obtain information on panel sizes from experience or from judges' prior-day requests. The second largest panel size is preferred since it generally represents the more common near-peak experience. If only one trial is expected, its panel size will be the only one indicated and should be used.

For example:

- If the court uses 12-member juries, has an average voir dire of one hour, expects 5 panel calls in the day, and expects the second largest panel to be 36, enter Table 5-1 at 5 panel calls under (B), and move across to panel size of 33 to 38 to find a call-in requirement of 120 jurors.

- If the court uses 6-member juries, has an average voir dire of 30 minutes, expects 7 panel calls, and expects the second largest panel to be 18, enter Table 5-2 at 7 panel calls under (A), and move across to panel size of 17 to 19 to find a call-in requirement of 60 jurors.

- If the court uses both 6-member and 12-member juries, in about equal proportion, find the number required under the 12-member situation (Table 5-1) and use 75% of that number. The number will change for different proportions of 6-member and 12-member juries, but will tend to be dominated by the 12-member situation.

5.2.3 Caution in Using Tables

The tables should not be followed blindly, for conditions vary so much from one court to another that the simulated number may not be appropriate in every situation. In one court, for example, the court administrator's rigid application of the tables resulted in instructions to the jury clerk to use a pool size less than half that ordinarily used. As a consequence, every judge had some delay in starting panels. The best way to use the tables is to compare the number of jurors now used with the number found in the tables. If there is a wide discrepancy, wisdom dictates a rather careful review of juror usage records, to ensure that unique practices of the court have not been overlooked.

5.3 Number of Jurors To Summon

The number of jurors retained for the court is always less than the number of names summoned for jury duty. The difference is accounted for by those who do not respond and by those who are excused, deferred, or dismissed after response. The ratio of those retained to the number summoned is called the "retention rate". In the jurisdictions studied, the retention rate was found to vary from about 36% to about 70%.

In order to determine the proper number of names to summon in any jurisdiction, retention-rate information must be collected systematically over a period of time and analyzed to determine what the true rate of retention is. Once the average rate of retention is determined, chance variation of plus or minus 5% might be expected when the call is for about 100, or about 2-1/2% when the call is for about 400. Variations beyond these should be examined to determine if there are assignable causes. In one city, the retention rate for the civil court was higher than that for the criminal court. In others, curious anomalies were found, such as the decay or aging in the qualified wheel as a result of rapid population turnover, storms, nearness to holidays, and vacation periods. Once the retention rate and its expected variation are known, it is possible to adjust the number summoned more closely to produce those jurors needed.

SECTION 6 THE JUROR'S PERSPECTIVE



We find the defendant guilty and recommend that he be sentenced to jury duty

Chon Day
(with permission of the artist)

Jury service is both a privilege and a rewarding experience for many jurors. They enjoy the opportunity of seeing the courts in action and of taking part in a vital democratic service, and they generally come away with an improved regard for the work of the courts and for the image of the impartiality of justice. Court personnel can enhance this experience in many ways. Some of the ways of improving jury service from the viewpoint of the juror are discussed in this section.

6.1 Prereporting Information

The following information supplied with the summons can reduce jurors' apprehensions about service, increase the number of persons who serve willingly, and reduce administrative time required of court personnel who would otherwise have to answer repeated inquiries about the most routine matters concerning jury service. Figure 6-1 is an example juror instruction sheet covering some of this information.

- (1) How to get there and back. A map showing the location of the courthouse, parking facilities around it, route numbers, and frequency of rapid transit facilities is essential. If reserved parking is available for jurors (most studies indicate it is an important factor), clearly show the locations and include parking permits if your jurisdiction uses them.
- (2) Where to report. Provide a diagram of the building or clearly explain where jurors should report. If your courthouse has no information desk in the lobby, place temporary signs there on the first day of the term.
- (3) Jurors' duties. Briefly explain jurors' duties or court's method of orientation. Some jurisdictions describe the court system and provide a diagram of the courtroom giving locations of personnel associated with the trial and a short description of their function.
- (4) Available facilities. Indicate telephones, no-smoking areas, work spaces, and other conveniences available in the jury lounge. Include telephone numbers where jurors can receive emergency calls. Provide a diagram showing restrooms and eating facilities jurors will use.
- (5) Fees and expenses. Explain what will be allowed as fees and expenses and what records (if any) must be kept to support claims. Provide time- or record-keeping forms acceptable to court administrative personnel if your jurisdiction requires them.
- (6) Personal safety and security. Where security is a matter of concern, discuss it candidly so persons know the authorities are aware of their concern. If jury tampering is recent or is suspected, instruct jurors on how to respond.
- (7) Duration of service and uncertainty of schedules. Explain the jurisdiction's policy and reasons for sequestering a jury, and the probability of being excused early or asked to stay late for deliberation. Most important, explain the difficulties of case scheduling and prepare jurors for prolonged waits.

JUROR'S INSTRUCTIONS AND INFORMATION

Questions concerning jury service should be addressed to Mr. xxxxxxxx, Deputy Clerk of the Court, in the Jury Office, Room 100, Courthouse, telephone xxx-xxxx.

Jury Term. Jury service is for xx working days unless you are excused by the court. Unless otherwise instructed, court is in session Monday through Friday, from 10:00 AM to 12:30 PM and 1:30 to 4:30 PM. Lunch hour is 12:30 to 1:30 PM.

Location: The Courthouse is located at the intersection of Courthouse Road and Center Street (see enclosed map).

Buses and Parking: A city bus map is posted in the jury room and the enclosed Municipal Transit brochure shows current routes and schedules to and from the Courthouse. A police officer is always on duty near bus stops. You may park free of charge in the garage behind the Courthouse if you present your jury summons to the attendant. Free space is also available in the public parking lot at the corner of Courthouse Road and Center Street. Both locations are shown on the enclosed map. A safety escort to parking lots will be provided at night.

First Day: Enter the Courthouse through the Center Street entrance and take the elevator to the 5th floor, Room 502. Report at 9:00 AM to sign in and receive instructions from jury department personnel. You will see a short movie, hear a brief explanation of the jury system by the presiding judge, and be issued badges signifying your status as a juror. You will remain in the jury lounge until you are assigned to a court. If you have not been assigned to a court by 2:30, you will generally be excused for the day and told when to return for further duty.

Second and Subsequent Days: Follow instructions given by the judge or jury clerk.

Available Facilities:

- You may receive emergency telephone calls in the jury lounge (telephone xxx-xxxx). In an extreme emergency, inform the jury clerk, telephone xxx-xxxx.
- In the jury lounge, there are small lockers for personal articles (but no valuables), telephones, desks, no-smoking areas, and reading matter.
- The cafeteria is on the 3rd floor to the right of the elevators. You may bring a lunch if you prefer. Vending machines for coffee and cold drinks are located in the cafeteria and outside the jury lounge.
- Restrooms are located in the jury lounge, outside the cafeteria, and outside the courtrooms.

Juror Fees: The State Legislature has authorized the court to pay you \$15.00 each day you report to the Courthouse, plus 12 cents per mile, round trip, from your residence. Payment is computed on the last day of service and a check is mailed to your home address approximately four days later. Certification of attendance for your employer can be obtained from the Finance Office, Room 123.

Trial Duration: Average trial length is one to three days, but a few trials last much longer. The trial judge will advise you of probable trial duration and may excuse you from serving if the trial is likely to extend beyond your term.

Overnight Stay: Jurors are almost never detained overnight, but you may be sequestered while deliberating on a criminal verdict or for the duration of a highly publicized trial. The bailiff in charge will notify your family if you are to be sequestered.

To Report an Absence: If illness or emergency prevents your attendance, call xxx-xxxx as near to 8:00 AM as possible. After 4:30 PM, call xxx-xxxx.

Closing of Court: The decision to recess court is made by the presiding judge. Check spot announcements on WXYZ AM radio between 7:30 and 9:00 AM and WPAX FM beginning at 6:30 AM. If there is no announcement by 8:15 AM, you should proceed to the Courthouse.

Figure 6-1. Sample Information Sheet

6.2 Juror Comfort

The jury lounge should not be so luxurious as to suggest squandering public funds or to detract from the primary purpose for which jurors are called. But in certain situations, small items such as books and magazines, a good quality television and secluded viewing area, and comfortable chairs for all can make a major difference in the jurors' feeling of well-being. Cleanliness of the lounge and especially of the restroom facilities is of paramount importance. Saving a day or two of juror time can generally provide ample funds for improving the amenities of the jury lounge.

6.3 Juror Evaluation of Service

Judges, court administrators, and jury clerks are constantly looking for ways to improve the treatment of jurors, but the most productive results come from suggestions made by the jurors on an exit questionnaire distributed on the last day of the jury term. A sample form is given in Figure 6-2. To evaluate and benefit from the completed questionnaires for each group of jurors, the following steps are taken:

- (1) Tabulate their answers.
- (2) Compute percentage responses in each category of the checked information, and collect the more thoughtful or emphatic comments as short quotations.
- (3) Summarize the results for each term in a one- or two-page memorandum, comparing the results with those for the last several jury terms and noting any changes or trends along with possible reasons. Distribute summary to all judges.
- (4) Make an annual summary and compare it to previous years.
- (5) If there are recurrent areas of dissatisfaction about which nothing can be done, have the judge conducting orientation discuss the matter candidly or mention it in the instruction sheet so new jurors will be prepared for the adverse situation.

Studies show jurors' attitudes are formed largely by the efficiency and orderliness with which their time has been used and their treatment by all officials with whom they come in contact. A judge's actions, especially in showing appreciation for jurors' time, can have a profound influence on their view of the court. Therefore, it is important that judges be made aware of jurors' attitudes through the questionnaire summary.

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 hours did you spend at the courthouse? _____
2. Of these hours in the courthouse, what percent 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)

	Good	Adequate	Poor
A. Initial orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Treatment by court personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Physical comforts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Personal safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Eating facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Scheduling of your time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Did you lose income as a result of jury service? Yes
 No
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?

The following information will help evaluate the results and responses to this questionnaire:

10. Age: 18-20 21-24 25-34 35-44 45-54 55-64 65-over
11. Sex: Female
 Male

Figure 6-2. Sample Exit Questionnaire

Following are some typical juror comments in courts studied, together with corrective actions:

<u>Comment</u>	<u>Action</u>
Hated to be herded around like animals. Morning roll-call reminds me of the Army.	Installed a pegboard with numbered disks. Juror turns over his number upon arrival. Eliminates roll-call.
Frightened by boisterous sheriff serving summons at night.	Used mail service (found more effective in many jurisdictions).
Lunch breaks too long.	Presiding judge instructed all judges to keep lunch to scheduled hours except in extraordinary circumstances.
Eating facilities should be improved.	Installed additional vending machines in cafeteria space.
Disliked having name and address available to defendant in criminal cases.	No satisfactory answer to this but worthy of further study. (This comment is made in almost every set of questionnaires.)
Objected to posting of juror list (age, occupation, etc.) in jury lounge.	Only names posted; additional information included only on panel sheets for counsel and judge.
Disliked waiting in jury lounge.	Made arrangements with charities to assist in clerical tasks (e. g., address envelopes for Heart Fund).
No books or magazines.	Arranged with local library for book discards. Civic organizations donated books and subscriptions.
Irritated by jury clerk attitude.	Jury clerk job upgraded with new management responsibilities. Candidates for new post screened for ability to serve/understand jurors.
Dislike having to show up only to be sent home.	Installed automatic phone answering device which provides recorded message cancelling prior instructions.
Jury term too long.	Term of service reduced.
Didn't understand responsibility.	Provided juror handbook. Some courts use film.

6.4 Length of Jury Service

Behind many complaints about jury duty and behind many tactics to evade or be excused from jury duty is the length of jury service. Jury terms vary from the one-day term in Houston to a six-month or full-year term in many places. The most common jury term is a two-week overlapping term, with first weekers overlapping second weekers. Some courts use the one-week term recommended by the model code of the National Conference of Metropolitan Courts.

Shorter terms make it possible for more people to participate as jurors and to serve with less personal disruption. They are also less apt to become "professional" jurors. Moreover, short terms usually reduce hardship excuses and involve fewer exercised exemptions. The costs and administrative workload of summoning a greater number of jurors for a shorter period of time is not expensive or administratively difficult with modern methods of selecting and summoning jurors. The reduction of the term of service should be considered in any evaluation of a jury system.

6.5 Daily Reporting Instructions

Many courts use automatic telephone answering devices to inform the juror when to report or to change previous information. This allows jurors to stay home or go back to work when not required for panels and saves many trips to the courthouse. In 1974, the basic device costs about \$400. Models with additional features, such as the ability to record messages from the juror or to change the message from the clerk's home or other remote locations, cost about \$900. The cost of such a service has been quickly offset by savings in courts using this system. When large panels are involved, the savings are greater. One New York court saved \$6,000 on one trial alone, and a Texas court saved \$2,000 when a panel was delayed day after day due to witness unavailability.

In order to accommodate jurors living at a distance, the recorded message can include a statement for the acceptance of long distance collect calls. One jurisdiction uses an after-hours toll-free number.

An advantage of this call-in procedure is that it places the responsibility upon the juror and eliminates the time required for court personnel to reach all jurors by phone, an impossible task since a few are usually never found until they report the following morning. An information sheet used by a court to explain the system is shown in Figure 6-3.

Courts interested in these devices should consult the telephone directory yellow pages under "Telephone Automatic Answering Devices" for purchase or rental information. The telephone company can usually also provide rental equipment. One device (and one telephone line) is adequate for about 100 jurors. The telephone line used is often the jury clerk's number, which is connected to the device after some designated time (e. g., 5 pm).

INFORMATION ON CALL-IN PROCEDURES FOR JURORS

The Circuit Court for _____ uses a "phone-in" system to inform jurors when their services will be required on the next trial day. This system allows the Court to release jurors immediately each day when their presence is no longer required for trial purposes. The determination of the next day's probable requirements for jurors can be made late in the day when more complete information is available. The purpose is to minimize the number of jurors called in with resultant savings in costs to individual jurors and to the taxpayers.

Each of you must understand and observe several key provisions if this system is to work:

1. You have been divided into groups so that the message can be brief. Please remember your group designation, and note it on this sheet.
2. Whenever you are actually serving on a jury, you must follow the instructions of the judge. You should not call in unless the trial is completed and the judge instructs you to call.
3. Each juror not actually serving on a jury must call telephone number xxx-xxxx after 5:00 p.m. You can expect to receive a recorded message such as "The Circuit Court requires the presence of jurors in Groups A, B, C, E, and F plus Deborah Doe and Richard Roe for service on Thursday, July 11th".
4. If your group or name is not mentioned in the message, you are excused from service and should not come in the next day. However, remember to call in the next evening.

You may find it useful to make a note of your group letter now and mark the boxes each night when you have called the telephone number xxx-xxxx.

Group _____

Evening call completed: Mon. () Tues. () Wed. () Thur. () Fri. ()
Second Week: Mon. () Tues. () Wed. () Thur. () Fri. ()

Figure 6-3. Sample Juror Call-In Information Sheet

SECTION 7

A GENERAL PLAN FOR APPLYING THE GUIDE

The jury contributes most powerfully to form the judgment, and to increase the natural intelligence of a people ... It may be regarded as a gratuitous public school even open, in which every juror learns to exercise his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws of his country, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even by the passions of the parties.

Alexis de Tocqueville,
Democracy in America (1824)

This Guide to Juror Usage will not implement itself. Some active force in each court must direct that the guide be used and that attention be given to results. Functional organizations and their assigned titles vary from court to court. Therefore, this section does not suggest specific task delegation but rather presents a more general plan that might be adapted to any court. Whoever implements the guide must see that the information needed is obtained, that forms are carefully filled in, that an analysis is made, and that the findings are reported to the activities in which action must be taken. Four steps by which this may be accomplished are described in the paragraphs which follow.

Step 1 -- Establish Responsibility

The judge or court executive must establish the responsibility for an assessment of the current juror utilization status, to see that the necessary operations are being carried out in an orderly way. Table 7-1 illustrates the sequence of operations, showing possible responsible parties for each.

Table 7-1. Establishment of Responsibility for Juror Utilization Assessment

Operation	Typical Responsible Party
1. Collect data on appropriate forms (see Figures 4-1 and 4-3)	Jury clerk
2. Analyze data (see Section 4.6)	Analyst or statistician
3. Prepare initial reports	Court clerk or administrator
4. Abstract highlights; suggest action	Court clerk or administrator
5. Arrange judicial conference to assure concurrence of all judges	Chief Judge
6. Issue instructions; establish policy	Chief Judge

Step 2 -- Perform Assessment of Juror Utilization

Use the forms and analysis methods given in the guide to determine the juror utilization status of the court. Figure 7-1 provides an overview of the data needed, the recommended target values, and probable corrective action for each of the seven rules for good juror usage described in Section 3.

Forms for collecting the necessary data are illustrated in Section 4. These forms should be used for a period of two to three months, depending upon the size and volume of trials in the court, and then analyzed. A comprehensive assessment report of juror utilization should address current status under each of the seven rules, recommended changes, responsibility for implementing each change, and advantages and disadvantages of the changes. A summary of responses to the juror exit questionnaire should also be included for these often contain the most helpful specific ideas, providing a direct, candid communication from the juror.

Rule	Compliance Measured by		Recommended Target Value of		Probable Corrective Action
	Case Data	Pool Data	Case Data	Pool Data	
Adapt panel size to jurors needed. (See page 3-2)	Analysis of panel size versus number reached.	N/A	Panel adequate for 95% of cases.	N/A	Reduce panel sizes.
Do not call panels unnecessarily or prematurely. (See page 3-3)	Percent of panels returned "not used". Analysis of interval of "panel arrived" to "voir dire start".	N/A	90% of panel calls used for voir dire. Less than 15 min. wait for voir dire to begin.	N/A	Inform judges and request cooperation.
Make special arrangements for exceptionally large panels. (See page 3-4)	Judges' waits for large panels. Number actually used in large panels.	Delays in other cases caused by large panels.	Large panel supplied within 30 minutes. At least 75% of large panels actually used.	No untoward disruption of juror use profile.	Better pre-planning. Re-evaluate need for large panels.
Stagger trial starts. (See page 3-4)	Analysis (by day) of actual voir dire start times.	Examination of daily profiles for "bunching".	Not more than 50% of voir dire starts from 10:00 to 11:00 a.m.	Approximately uniform morning and afternoon panel calls.	Cooperative scheduling among judges holding jury trials.
Maintain continuous operation. (See page 3-7)	Analysis of days of week on which trials start.	Examination of weekly demand profile for "bunching".	Smallest daily average number of panel requests greater than 1/3 weekly average.	Approximately uniform weekly profile.	Cooperative scheduling among judges holding jury trials.
Do not overcall jurors to the pool. (See page 3-8)	Measure judge wait beyond "normal" wait.	Profile of jurors in service versus jurors in use.	No judge waits for panel in more than 5% of calls.	Good match of profile.	Decrease pool size.
Dismiss and excuse jurors whenever possible. (See page 3-11)	N/A	Profile of jurors in service versus jurors in use.	N/A	No late afternoon or late week surplus.	Adopt dismissal policy. Excuse via recorded telephone message.

Figure 7-1. Summary of Guidelines to Effective Jury System Management

Step 3 -- Implement the Changes

After judicial approval of changes thought to be worthy, their implementation by the proper person should result. It is at this point that problems may arise, however, because of a number of barriers to change often encountered in courts, including:

- The fact that current practices "have always been done this way" is the greatest single barrier to change. This usually means that people have accepted certain practices on faith and that they have little or no authority to change them.
- Because of the complex nature of a court operation, a proposed change which impacts other processes may be difficult to implement. This problem can be overcome and even prevented by prior study sufficiently thorough to reveal the potential impact.
- Reviewers of the first draft of the guide warned that judges, like other people, might approve changes in the expectation that they would apply to all the others but not themselves. Every attempt should be made to have new procedures understood, agreed to, and then monitored to ensure conformance.
- One of the greatest barriers to objective analysis is the fear of unjust criticism. Therefore, in reviewing the situation in a court, good points as well as poor should be given visibility.

Step 4 -- Determine Effect and Monitor Juror Utilization

Changes should always be carefully introduced. Key parameters should be monitored -- before, during, and after introduction of any change. For example, if panel sizes are reduced, the adequacy of the panels should be monitored. After the change is introduced and established, the areas primarily affected should be re-evaluated to determine that the proper result was achieved.

As the desirable level of juror utilization is reached, it may be continuously monitored by the Juror Usage Index (JUI) described in Section 4. Despite some limitations, discussed in Section 4, the JUI provides a useful single measure for monitoring juror usage. Traditional dimensions of describing a court's operation have included case backlog and time-to-disposition. The JUI should be as commonly used and may also be extremely useful in providing a similar public record of the court's performance.

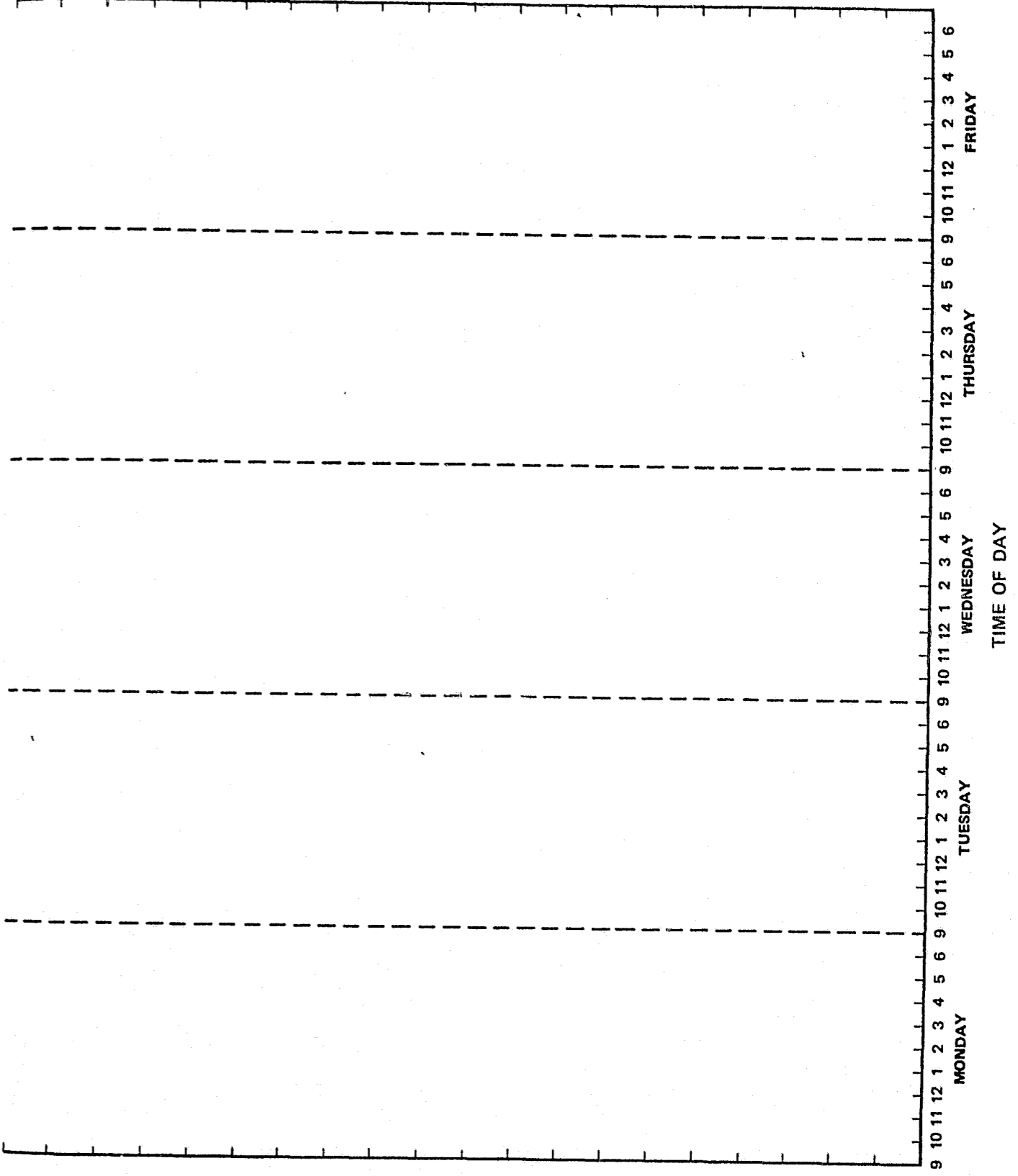
APPENDIX A

FORMS FOR JUROR USAGE DATA COLLECTION AND ANALYSIS

DAILY JURY POOL STATUS AND TRANSACTIONS

Date: _____

Time	Case No.	Judge	Transaction	No. in Transaction	Running Totals With Adjustments for Each Transaction		
					No. in Pool	No. in Voir Dire & Trial	Total in Service
	---	---	Status at morning startup	---			



Number _____

JURY PANEL UTILIZATION DATA FORM

Case Number _____

Civil Criminal

Judge _____

EVENTS:

- Panel requested
- Panel arrived in courtroom
- Voir dire started
- Voir dire ended
- Trial started
- Trial ended
- Panel returned unused
- Other _____

Date	Time	Interval (minutes)
	am pm	
	am pm	
	am pm	
	am pm	
	am pm	
	am pm	
	am pm	
	am pm	
	am pm	

PANEL USE:

(6) = + + +

Total size of panel furnished Size of jury and alternates Challenges for cause allowed Peremptory challenges exercised Jurors not sworn or challenged

CASE DISPOSITION DATA:

Criminal _____ Civil _____

Prepared by _____ Return to _____

See comments on reverse side.

JURY POOL RESPONSE TIME ANALYSIS FORM

INSTRUCTIONS

This form provides a simple tally and computation sheet for measuring the responsiveness of the jury pool system in delivering panels to courtrooms after they are requested.

The results of the analysis tells the judges how far in advance of actual need they should make their requests for panels.

To use:

- (1) Enter interval data from the "Jury Panel Utilization Data Forms".
- (2) Add the intervals.
- (3) Divide by number of entries.
- (4) Circle the *longest* and *shortest* intervals to obtain the range.

total _____ = average response time _____
number of entries _____

Form No. (Optional)	Entry Number	Interval (minutes) "Panel Requested" to "Panel Arrived in Courtroom"
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	

Number of Entries _____ Total _____

IDLE PANEL IN COURTROOM ANALYSIS FORM

Form No. (Optional)	Entry Number	Interval (minutes) "Panel Arrived" to "Voir Dire Started"
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	
	15	
	16	
	17	
	18	
	19	
	20	

Number of Entries _____ Total _____

INSTRUCTIONS

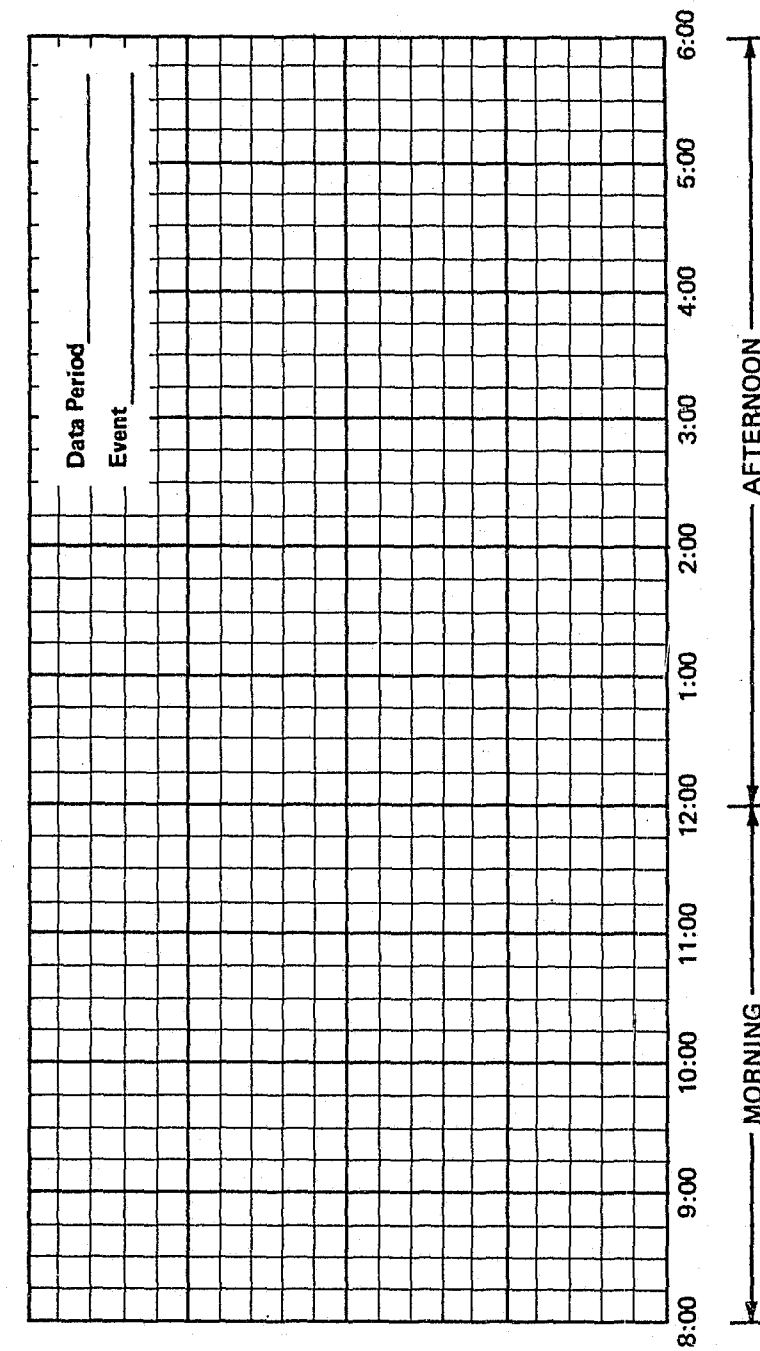
This form provides a single method for reducing data showing how long jurors wait in the courtroom for voir dire to begin.

Its results show whether judges are making good and efficient use of jurors drawn from the pool or, conversely, are placing "artificial" demands on the pool by calling panels too early.

To use:

- (1) Enter interval data from the "Jury Panel Utilization Data Forms".
- (2) Add the intervals.
- (3) Divide by number of entries.
- (4) Circle the *longest* and *shortest* intervals to obtain the range.

total _____ = average idle time _____
 number of entries _____



NUMBER OF OCCURRENCES

PANEL REQUEST FORM

Date _____

JUDGES	CIVIL						CRIMINAL						
	Panel Requested Prior Day	Panel Used	Panel Not Used Because of			Reason Continued	Panel Requested Prior Day	Panel Used	Panel Not Used Because of			Reason Continued	
			Settlement	Case Dismissed	Jury Trial Waived				Continued	Plea	Case Dismissed		Jury Trial Waived
TOTALS													

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 hours did you spend at the courthouse? _____
2. Of these hours in the courthouse, what percent 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)

	Good	Adequate	Poor
A. Initial orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Treatment by court personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Physical comforts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Personal safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Eating facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Scheduling of your time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Did you lose income as a result of jury service? Yes
 No
8. After having served, what is your impression of jury service? (Answer one)

A. The same as before – favorable?	<input type="checkbox"/>
B. The same as before – unfavorable?	<input type="checkbox"/>
C. More favorable than before?	<input type="checkbox"/>
D. Less favorable than before?	<input type="checkbox"/>
9. In what ways do you think jury service can be improved?

The following information will help evaluate the results and responses to this questionnaire:

10. Age: 18-20 21-24 25-34 35-44 45-54 55-64 65-over
11. Sex: Female
 Male

GLOSSARY

Empanelment day -- a single day during which the juries for all judges of a court are chosen for a particular time period. (See also Multiple voir dire.)

Juror -- used in this guide to include all qualified citizens who are summoned and not excused; the context distinguishes between sworn jurors and prospective jurors or veniremen.

Jurors available -- the number of jurors in the pool plus those on panels or juries. The number of jurors who draw pay should be used to analyze the economic efficiency of the jury system.

Jurors retained -- the number of jurors summoned less those excused, postponed, and not found.

Jury pool -- jurors available for panels. Initial pool size is the number available at the start of a jury term.

Jury term -- the period during which a juror actually serves or is required to be available to serve; court term during which jury trials are held. (See also Overlapping terms.)

Jury wheel -- list made by random selection from lists of registered voters, vehicle licenses, or other lists of the population. A jury questionnaire is sent to the names on the jury wheel to make up the "qualified wheel" before the jury term.

Multiple voir dire -- a voir dire during which more than two juries are selected for trials to be conducted in sequence by one judge. (See also Empanelment day.)

Not reached -- jurors chosen for a panel but neither selected for the jury nor challenged.

Not used -- jurors who appear for service but are not selected for a panel during the period of interest; people who do not leave the pool.

Overlapping terms -- terms of service arranged so jury pool always contains some jurors who have served longer than others, e. g., a two-week term of service with a new group summoned for reporting each week. Allows excess whose terms of service are longest to be excused first.

Panel -- group chosen from the pool for voir dire to select a jury. In a one-judge court, pool and panel are synonymous.

Piggy-backing -- starting a new trial while the previous jury is deliberating. (See page 3-6.)

Pool swapping -- transferring jurors from one pool to another (as when separate civil and criminal pools are maintained). (See page 3-10.)

Staggered trial starts -- voir dire starting times spread uniformly over a day or week to avoid simultaneous voir dire.

Term of service -- period of time juror is required to serve. Petit jury terms vary from one day to six months in different jurisdictions.

Voir dire -- examination of the panel to select a jury through the use of peremptory challenges and challenges for cause.

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