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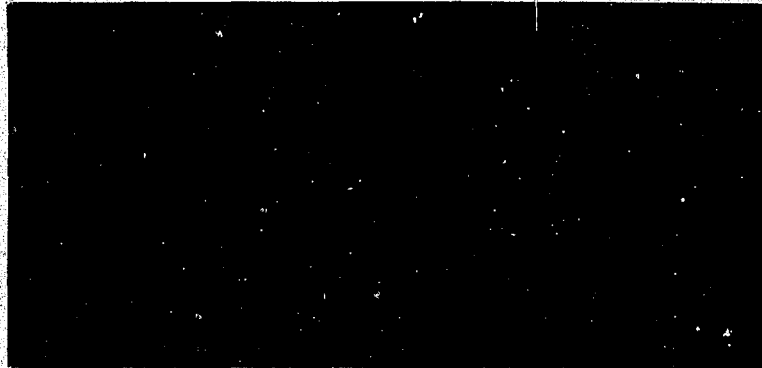
Institute for Advanced Studies in Justice

The American University Law School

Washington, D.C.

**A Program of the
Adjudication Division
Office of Criminal Justice Programs
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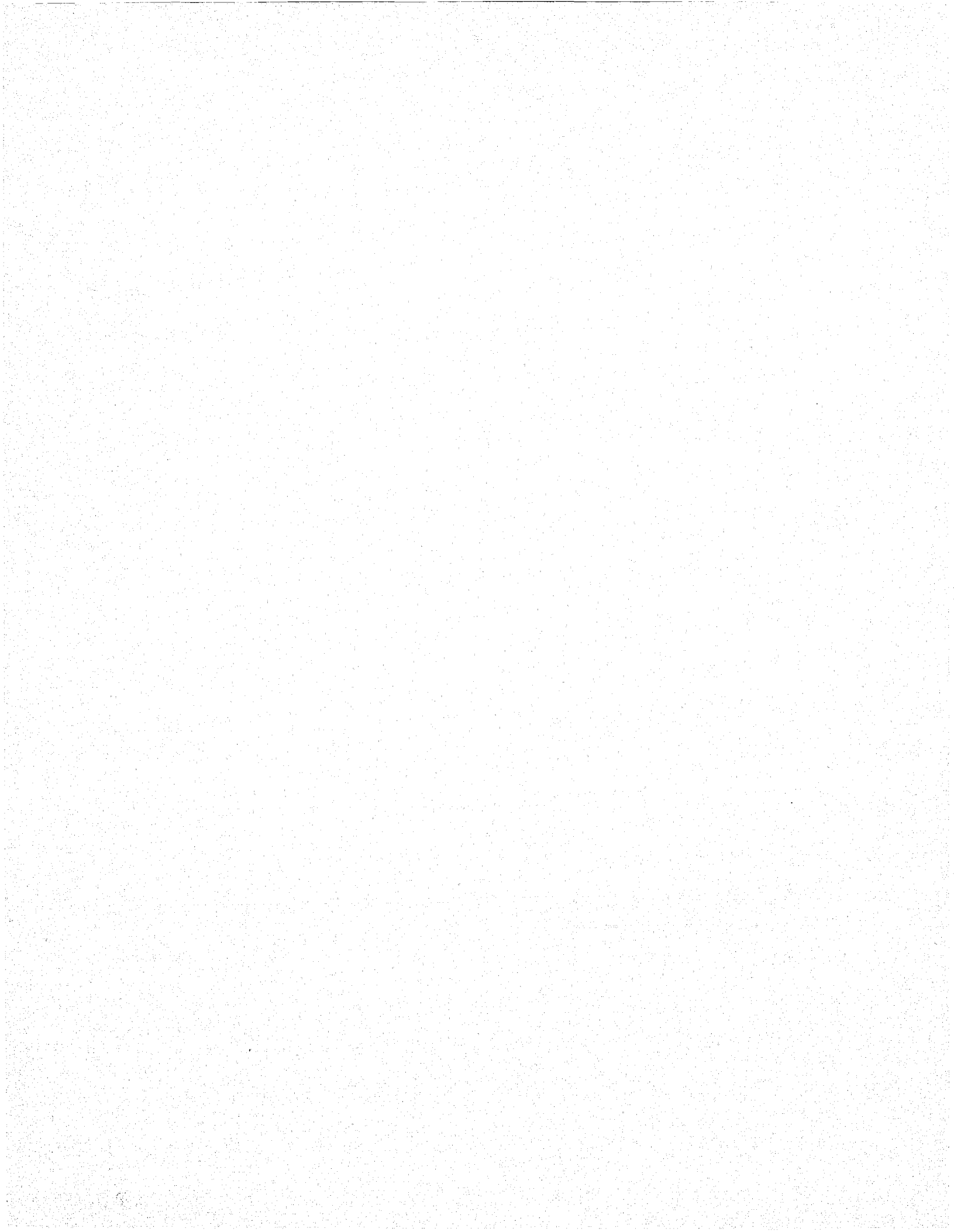
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TECHNICAL ASSISTANCE SITE VISIT REPORT:

RECOMMENDATIONS FOR JURY MANAGEMENT

PROGRAM PLANNING IN

GREENVILLE COUNTY, SOUTH CAROLINA

May 25-26, 1978

NCJRS

AUG 11 1978

ACQUISITIONS

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FOREWORD

In May 1978, the LEAA Criminal Courts Technical Assistance Project at American University was contacted by the criminal justice planning office of Greenville County, South Carolina, for assistance in obtaining the names of qualified contractors who could be invited by the County to submit bids for the design and implementation of a comprehensive jury management program for the County's circuit courts.

For a number of reasons, including the relatively limited amount of money available to the County to secure outside services and the range of jury management program components it was interested in exploring, it was determined that a technical assistance effort by the Courts Technical Assistance Project would be a more prudent initial step for the County than immediately contracting for outside services. The objectives of the technical assistance would be to help local planners and court officials make some initial jury program design decisions, to determine those areas in which the County could move ahead without outside help, and to allocate resources to (and prioritize) those aspects of the jury management program's development which require expenditure or outside help.

With the approval of the South Carolina Office of Criminal Justice Programs and the LEAA national office, the Courts Technical Assistance Project was able to accept the Greenville County assignment as the last official assignment under its LEAA contract, which was due to expire on May 31. The need to have services delivered and costs incurred by the end of May prompted the decision to concentrate all of the level of consultant effort made available for the assignment on the on-site consultation with local officials, rather than divided between site work and post-site work report writing, as in the typical assignment.

The consultant team selected for this assignment consisted of four persons with specific expertise in various facets of jury management program planning: Ernest H. Short, a private court management consultant; Lawrence Siegel, an expert in court facility planning and space utilization; and Henry C. Campen, Jr. and H. Ray Elingburg, who are, respectively, the trial court administrator and court clerk of the 28th Judicial District Court in Asheville (Buncombe County), North Carolina.

Messrs. Campen and Elingburg were selected because of the successful self-implementation in Buncombe County of a jury management program containing many of the features sought for the Greenville program. Coincidentally, the distance from Asheville to Greenville, although across state lines, is only about sixty miles, making it convenient for an ongoing relationship in jury program development to be maintained between the two court staffs, if desired.

The consulting team spent two days in Greenville in late May discussing jury management needs and alternatives with Circuit Court and county officials, and prepared the present report on-site as a record of their recommendations to the local authorities. Attached to this report is a description of the development and impact of the Buncombe County jury management program which was presented to and discussed with Greenville County officials by Messrs. Campen and Elingburg during their site visit.

IMMEDIATE OBJECTIVES

1. Implementation of Jury Pooling

The current system of calling individual panels of jurors for each court appears to be inefficient. This method of summoning requires unnecessary paper work and expense. It is recommended that the Greenville Court System implement the concept of jury pooling.

Conservatively speaking, the number of jurors summoned for service could be reduced from the current rate of 120 for three courts to 100. This reduction could be effected without a sacrifice in court efficiency. The expense of providing jurors in Greenville is substantial, totaling nearly \$200,000 in FY77. Using the conservative reduction of 20 jurors, the use of jury pooling would yield a saving in the neighborhood of \$1,000 per week, or an annual saving of \$50,000.

Current System:

120 jurors x 5 days x \$10 = \$6,000

100 jurors x 5 days x \$10 = \$5,000
\$1,000 Net Savings

2. Facility

A jury assembly area should be developed in the space currently intended for that purpose on the second floor of the Courthouse Annex.

A jury pool consists of one group of jurors from which panels of jurors are selected and sent to each court upon request. Because any juror might be sent to any courtroom, a single jury assembly area is required where jurors can report, wait until they are impanelled, and return to wait for another call. The jury assembly area should offer comfortable seating for about 100 jurors in arrangements which easily can be varied to suit the needs of each pool. A variety of features should be provided so that the citizens who are called upon to devote their time as jurors are treated with courtesy

and respect.

Three courts currently operate with five jury deliberation rooms. It is estimated that a maximum of four juries may be sitting at any one time, that is, one court may have started a second jury trial while the first jury is deliberating. A pool of 100 qualified jurors should be ample to provide 48 jurors at any one time.

The jury assembly area includes two rest rooms. These should be renovated, as needed, and the women's room should be provided with a partitioned space for a couch. Space occupied by the janitor's closet may be needed for that use and it may be necessary to switch the men's and women's rooms from their current designations.

Juror seating should be moveable and cushioned, light weight, and easily maintained. Plastic or metal stacking chairs should be suitable. Initially, private working spaces for about ten persons should be provided, such as four-person carrels. Three or four telephones, restricted to local calls, should be provided. Separate smoking and non-smoking areas should be arranged. Air conditioning improvements may be needed.

A space should be provided for jury clerks, visible from the juror's staircase entrance, with a counter top or table top and room in front for about fifteen jurors to gather. Low, moveable partitions can be used to set off the jury clerk's area which should be large enough for three clerks (at the start of term).

3. Appointment of a Full-time Jury Coordinator

At present, there is no consistent communication link between the jurors and the court. This results in confusion and misunderstanding on the part of the jurors. It is recommended that a full-time jury coordinator be designated and located in the jury lounge area. The position is necessary in order to establish continuity in all juror matters, i.e., reporting,

qualifications, and data collection. In selecting the individual for this position, it should be kept in mind that the position required extensive interaction with the public.

4. Redesign of the Jury Summons

The current set of forms sent to prospective jurors could be improved to alleviate misunderstanding. In the redesign process, all involved court officials should exchange their respective expectations of the purpose each form is to serve; for instance, the instruction sheet presently in use, advises jurors to place the summons in their windshields to avoid parking violations; whereas, the clerk expects jurors to bring the form with them to aid in the enrollment procedure. Two improvements which are suggested in support of objectives 1 and 2 are: 1) if pooling is instituted, color coding should be eliminated, and 2) an instruction sheet should be included in the summons advising jurors to telephone the jury coordinator regarding any questions they might have about service. This would eliminate unnecessary telephone calls to the Sheriff and other court officials.

5. Early Reporting of Jurors

Presently jurors are summoned for 9:30 a.m. on Monday morning. Trial courts are also opened at 9:30 a.m. This schedule results in a built-in delay of 30 to 60 minutes and commencement of jury trials. It is recommended that jurors be instructed to report at 8:30 a.m. in order that the qualification and orientation procedures be complete prior to the opening of court.

6. Qualification of Jurors by the Jury Coordinator

Under the current system, the qualification of jurors is a 30 - 45 minute operation conducted by a judge. Apparently, this process is the asking of a standard set of questions of the jurors. Within statutory constraints, it is recommended that the qualification process be conducted by the Jury Coordinator. This would free the judicial resource to perform other functions.

7. Development of Audio-Visual Orientation Materials for the Jurors

Many jurisdictions have made effective use of audio-visual materials to provide orientation information to jurors. It is suggested that, with the construction of the central jury assembly room, an ideal opportunity is provided for the court to use similar materials. These materials should be prepared on videotape because of its ease of use and because television sets will be provided for the assembly room which can also be used for the videotape orientation materials. The formal presentation should necessarily include segments designed with the express purpose of acquainting the jurors with the objectives of the jury system and their particular roles in the administration of justice.

Additional information concerning the adoption and significance of the concept of the uniform court system to include the following should be considered: 1) the agency responsible for the cost of its operation, 2) the vertical structure of the total court system, 3) jurisdictional matters of the various courts, 4) introduction of local court officials and their basic responsibilities, and 5) various other subjects could be integrated into the presentation as desired.

This undertaking, hopefully, would result in a more informed citizenry, relative to the operation of the judicial branch of government in South Carolina and enhance the importance of the public relations aspect of public expenditures.

8. Data Collection on the Operation of the Jury System

Currently, data on the "yield" of jurors - the number who report versus the number summoned - and the contributing factors are not maintained. An essential element in efficient jury management is the establishment of an adequate data base. This base facilitates predictions about yields and adjustments which might be necessary to insure that an adequate supply of

jurors is available through seasonal variations.

It is recommended that with the implementation of this data collection system the summons return be eliminated. The purpose of the return is to serve as an indication of what the yield at a given term might be. However, it is not clear that any action is taken if the returns suggest an unusually low yield. Trends in yield can just as easily and more accurately be detected by means of the data collection system described above. Also, as the court contemplates further reform of the jury management, the need for data or the operation of the system becomes more critical. Sample forms for use in collecting this data are attached (Figures 1 and 2).

The immediate objectives discussed above are activities which can be accomplished with local expertise. There is no need to let a consulting contract for the accomplishment of these objectives, although the court may wish to request additional technical assistance to monitor progress and provide additional input as needed. The long range objectives discussed below may require outside consulting expertise. If this is the case, the experience gained by implementing the immediate objectives and the information collection will place the court in a better position to define the need for consultants and the expected product from the use of such resources. A local project team should be established to oversee attempts to accomplish any of these objectives, whether or not outside consultants are used. The team should be composed of representatives of each affected agency; the team leader should be a judge.

LONG RANGE OBJECTIVES

1. Review all Laws Regarding Jury Management

A cursory review of the statutes governing the selection and use of jurors indicates that they may provide serious obstacles to achieving major reform of jury management. These statutes provide strict, across-the-board

DATE _____)	NUMBER	PERCENT	NUMBER	PERCENT
Number of Summons Sent			_____	_____ %
Less:				
Undeliverable	_____			
No Show	_____			
Total Non-Response	_____	_____ %		
Excused	_____			
Disqualified	_____			
Postponed	_____			
Total Excluded	_____	_____ %		
Total Jurors Present			_____	
Summoning Process Yield				_____ %

FIGURE 1

guidelines for jury management activities which will vary according to locale.

Jury management necessarily must be a local trial court management concern and the statutes should provide the trial court with the flexibility to obtain representative juries in the most efficient manner possible, consistent with as much convenience to the public as possible. In this context, it is recommended that all statutes (and court rules where applicable) affecting jury management be reviewed and changes recommended.

2. Develop and Implement an Automated Jury Selection and Summoning System

Enabling legislation to provide for the use of electronic data processing equipment in the selection and summoning process should be sought. Programming the computer to perform these functions is not difficult and the same programs used in Asheville might be suitable. Computerization of this aspect of jury management can yield a tremendous saving in staff time and cash outlay.

3. One Day/One Trial Jury Service

As the above stated objectives are adopted and implemented it should follow that the one-day one-trial concept be undertaken within the framework of judicial reform. The concept presently has some local support and interest. The use of a telephone alert system for adjusting on a daily basis the number of jurors reporting for service should be explored in conjunction with one-day one-trial. The equipment is relatively inexpensive and the potential for saving is substantial.

APPENDIX

Efficient Jury Management in a Small Court

EFFICIENT JURY MANAGEMENT

IN A

SMALL COURT

28th Judicial District
Asheville (Buncombe County) N.C.

Prepared by:

Henry C. Campen, Jr.
Trial Court Administrator
28th Judicial District
Asheville, North Carolina

INTRODUCTION

Attention on improved jury management had tended to center on metropolitan courts. The Wayne County (Detroit) Michigan one day/one trial jury project was recently acclaimed as an exemplary program by the Law Enforcement Assistance Administration. This project involved implementation of shortened terms of jury duty and computerization of selection and summoning procedures. The Harris County (Houston) Texas one day/one trial jury system served as a model for Detroit and other large court systems interested in better juror utilization. Larger courts have necessarily led the way in modernizing many facets of court administration. However, some of the same methods employed by large courts can be adapted for use in small court systems to make their jury operations more efficient and more effective. This thesis is supported by an account of the experience of the General Court of Justice in the 28th Judicial district of North Carolina (Asheville). The one day/one trial term of jury duty has been in use in Buncombe County since 1974. An automated jury selection and summoning system was implemented in January of 1978. The new system has yielded over \$2,000.00 in annual savings and reduced by four fifths the staff time required to provide jurors for the court. Improved data collection and analysis of the summoning process and jury utilization have yielded substantial savings in juror fees. All of these initiatives were undertaken by local court personnel; no special grant was sought or received.

These innovations have been implemented in a distinctly small court environment. The 28th judicial district is a single county judicial district consisting of Buncombe County, population 170,000. The General Court of Justice in Asheville is served by two resident ¹ superior court judges (unlimited jurisdiction)² and five district court judges (limited jurisdiction). The clerk of court's staff numbers 50, and on the average two jury sessions operate each week.

ONE DAY/ONE TRIAL

Judge Martin learned of the one day/one trial concept at a National Judicial College session and introduced it in Buncombe County in 1974. Under this system of service, jurors are required to serve for one day or, if impanelled on a jury, for the duration of the trial. A separate panel of jurors is summoned for each day.

Prior to 1973, jurors were required to serve from one week up to three weeks at a time. Jurors complained of the length of service and long periods of idle time spent in the jury lounge. The long service term caused economic hardships for workers whose employers do not compensate them for the difference in their regular pay rate and the \$8.00 per day juror fee. Implementation of the shortened term of duty was praised by the local press. The opinion of the public, as gauged by informal surveys of the jurors themselves, was also very favorable.

Several modifications of the "classic" one day/one trial model were necessary to adapt this system for use in a small court. Under the program in use in Houston and Detroit, jurors that serve on a case which is completed before the end of the day are dismissed upon completion of that case. In Buncombe County, jurors under these circumstances are returned to the jury pool and subject to selection on another panel.

Another unique feature of the Buncombe County version of one day/one trial system is that panels are summoned for Monday through Thursday only. Since jury trials are seldom begun on Friday, it would be impractical to call for a new panel of jurors. Where the court intends to begin a jury case on Friday, the jury is selected Thursday afternoon from that day's supply of jurors. Though these jurors will be paid for two days rather than one, the cost is substantially less than

that for an entirely new venire.

Calendaring cases for a particular week rather than a specific weekday contributes to the feasibility of shorter service terms in a small court. If the calendar were divided into weekdays, unexpected pleas or settlements on the morning of trial could clear a day's calendar leaving nothing for the jurors to hear. Their time would be wasted and the expense incurred would render one day/one trial impractical. Under the method of scheduling currently in use, cases that are negotiated are replaced in the order of trial by those which are for trial. While this might result in a shorter trial week, the jury panels summoned for Wednesday and Thursday can be cancelled in time to avoid any extra expense.

AUTOMATED SELECTION AND SUMMONING

The Manual Process - Pre 1978.

The impetus for computerizing juror selection and summoning was a 1977 amendment to North Carolina's jury law. The amendment provided for the first time that electronic data processing equipment could be used where such facilities were available to the Court. Prior to this amendment, the laborious manual procedures which had been used since the 1800s were mandated by law.

A jury commission of three persons was appointed every two years to prepare the master list of citizens eligible for service. The commission hired a temporary staff and spent 6-8 weeks preparing the master list. Names and addresses were provided to the Commission by the Board of Elections and the Tax office. The commission manually assimilated the lists and culled duplicates from the combined lists. The names of felons, mental incompetents and the names from recently filed death certificates were also matched against the lists. The name of each eligible citizen was typed on a card and assigned a number. Numbered plastic discs corres-

ponding to the numbered cards were placed in a "jury box" upon completion of the jury commission's work. Panel selection and summoning were also done manually and were very time consuming. Each month the clerk would draw the number of discs corresponding to the number of jurors required for service the following month. These numbers were recorded and given to the Register of Deeds who matched the numbers with the cards comprising the master list. Finally, the cards were forwarded to the Sheriff who would manually prepare the summonses for jury duty.

Computer Preparation of the Master List.³

Electronic juror records replaced the cards which comprised the master list under the manual system. Conceptually, the conversion was simple. The master list was the product of several matching operations. The names in each of the source lists were matched against each other to eliminate duplicate names. Lists of felons, mental incompetents, and recently deceased persons were matched against the raw list and eliminated. The computer was capable of performing all of these functions electronically. The critical prerequisite, however, was that the records being compared be in a uniform format. This requirement posed the most difficult problem at the point where duplicate names had to be purged from the lists which were integrated from different sources. In Buncombe County, the tax list and the voter registration roll were in totally different formats. The voter file contained a distinct record on each individual voter and, by its nature, was made up only of residents of the county 18 years or older. On the other hand, the tax list contained records on which both husband and wife might be listed together. Also, corporations and non-residents made up a large portion of that listing. Along with the inherent disadvantages of the tax list, it was not as current as the voter list.

These factors led to a decision to use the voter list as the primary source along with only a sample of names from the tax list in order to meet the statutory

requirement. In this manner, the comparability problems were reduced to a minimum. An electronic "copy" of the voter registration file was then created to form the base file for the jury list. A sample of records was randomly selected from the tax list. All corporate and non-resident entries were deleted from that printout and punch cards were prepared for the remaining individuals. These records were punched using a format corresponding to that used in the voter file.

In recent years Buncombe County has supplemented the voter and tax lists with the names of eligible high school and college students attending school in the county. The use of supplemental lists is provided for by statute, and the effort to broaden the cross section of the community represented on the jury is clearly within the spirit of the law. The schools provided the information and the records were key-punched in a standard format which would facilitate the matching process.

A computer program was developed which compared the last name, first name and middle initial of the records fed into the machine. The punch cards were then loaded into the machine and matched against the records in the base file. All duplicate names were rejected from the base file and the remaining unique names were added to it. The product of this operation was the raw list.

The next stage, purging disqualified persons, was also a matching procedure. Names of persons convicted of felonies or declared mentally incompetent since the last jury list was created were provided by the Clerk of Superior Court. Photocopies of death certificates filed in the two months prior to the operation were provided by the Register of Deeds. Letters from doctors which had been relied upon by the judge to excuse persons from disabling illnesses were reviewed and the names recorded.

All of these names were then keypunched in the standard format. Another electronic matching operation was conducted comparing the raw list with the disqualified file. Where a match or "hit" was found, the name was removed. The master list was completed with this operation. The list was stored on a computer disk. A backup file created and secured in a fire proof vault. Printouts of the entire master list were prepared and copies distributed to the Clerk of Superior Court and the Register of Deeds. Four hours of computer time were required to create the jury list.

Of all the aspects of the jury system which were automated, preparation of the master list yielded the most dramatic savings. It was not necessary to hire a staff to assist the commission, and the commissioners met only twice.

Preparation of the Biennial Master List

	Manual		Automated	
	Cash Outlay	Staff Time	Cash Outlay	Staff Time
1. Commissioners	\$ 1111.00		\$ 150.00	
2. Commissioners Staff	2734.00			
3. Supplies & Income Taxes for Staff	1060.00			
4. Computer Programming				3 days
5. Key punch Operator				3 days
6. Computer Processing			200.00	
Total Biennial Cost	\$(4905.00)		\$ (350.00)	(6 days)
TOTAL ANNUAL COST	<u>\$ 2453.00</u>		<u>\$ 175.00</u>	<u>3 days</u>

TABLE #1

Automated Panel Selection

Once the master list is in the computer memory bank, the selection of panels of jurors becomes a relatively simple task. Before the law was amended, the desired quota of numbered disks had to be hand drawn from the jury box to form the panel of names to be summoned. The purpose of this procedure was to ensure that jurors were selected at random to serve on jury duty. Under the new system, random selection is provided through use of a computer program incorporating the random start/fixed interval selection methodology.

This sampling method is described in A Guide to Jury System Management.

Names on the source list are numbered in sequence. The number of names to be selected from the source list is divided into the total number on the list; the result is called an "interval". Then a random number is selected in the range one through the interval number; this is the starting number (i.e., random-start) corresponding to the first name of the subset. The interval number is then added successively to the starting number and so on to determine other names in the subset.

The total number of jurors required for a given month is selected by this method. Next a computerized random number generator is used to sort the subset of names among the days for which jurors are necessary. This process ensures that each individual in the subset has an equal probability on any day during the month. Table 2 below reflects the tremendous saving in staff time realized with the automated panel selection procedure. The cash outlay required for the two systems is comparable. Under the previous system, the computer was used to print labels for the summonses and a listing of the jurors summoned for each day. With the same amount of equipment time, panels are now selected by the computer and summonses printed and sorted for mailing.

Panel Selection

	Manual		Automated	
	Cash Outlay	Staff Time	Cash Outlay	Staff Time
1. Random Draw of Numbered Discs @ 1 day per month		12 days		
2. Draw of Corresponding Cards @ 2 days per month		24 days		
3. Computer Processing - 1 Hr. per month @ \$50 per hour	\$ 600.00		\$ 600.00	
4. Key punch operator @ 1 day per month				12 days
TOTAL ANNUAL COST	\$ 600.00	36 days	\$ 600.00	12 days

TABLE #2

Automated Summoning

Summonses are prepared as soon as the selection program is completed. A three part summons form was especially designed for use in the automated system. The mailer pictured in Figure 1 below contains the summons itself and is sent to the prospective juror.

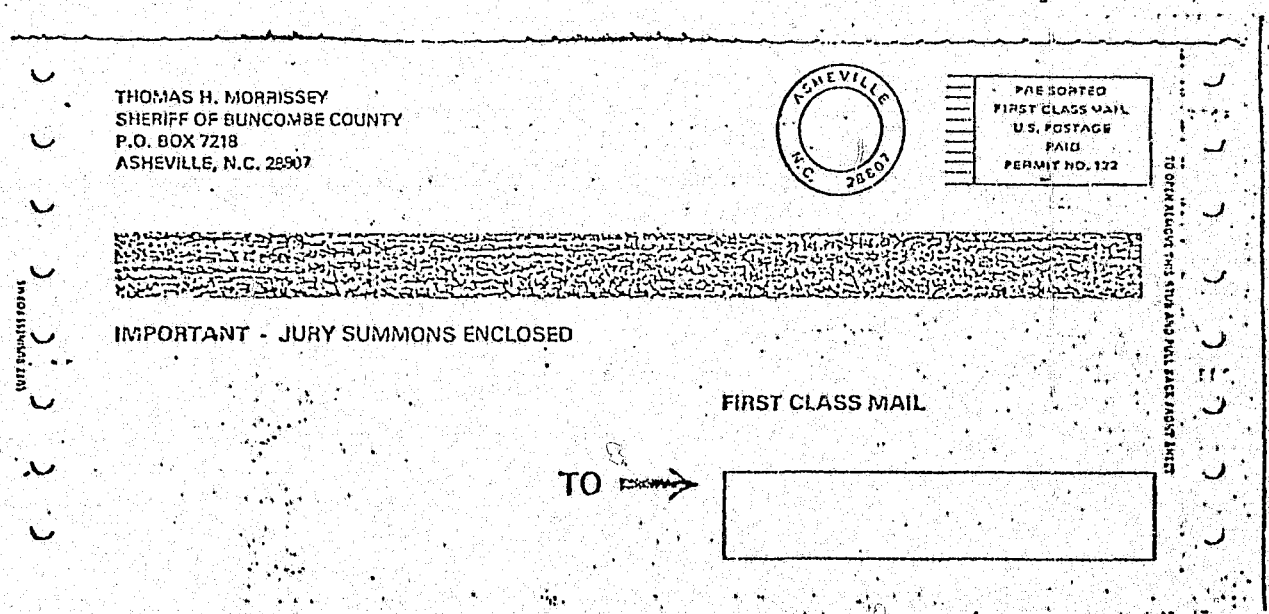


FIGURE 1

A postal permit was obtained and the permit number printed on the mailer. The pre-sort postage rate is 12 cents per piece. This represents a 6 cent per piece savings over the two part postcard summons previously used. Through the darkened portion on the envelope, the computer prints the date on which excuses will be heard for that month's panel, the specific date on which each juror is to serve, and the juror identification number of each person. The juror's name is printed on the summons itself at the time it is printed on the mailer. A special carbon treatment on the paper transfers the print through to the summons. This information appears on the form itself pictured in Figure 2.

SUMMONS TO APPEAR FOR JURY SERVICE
(SEE INSTRUCTIONS ON REVERSE SIDE)

BY ORDER OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE OF BUNCOMBE COUNTY YOU ARE HEREBY SUMMONED TO APPEAR FOR JURY SERVICE AT 9:00 A.M., ROOM 401, BUNCOMBE COUNTY COURTHOUSE, TO BEGIN AT THE SERVICE DATE SHOWN BELOW.

SERVICE DATE	JUROR NUMBER	EXCUSE DATE

Sometimes the business of the Court does not require jurors, therefore you must telephone 255-5483 between 5:00 p.m. and midnight of the evening preceding your service date to be informed by recorded message whether your appearance will be required on the date indicated.

Excuses from jury service, if any, must be presented to the judge presiding at 8:30 A.M., Room 409, Buncombe County Courthouse, on the excuse date indicated above.

FAILURE TO OBEY THIS SUMMONS IS PUNISHABLE BY LAW
Please Bring This Summons When You Report

Thomas H. Morrissey
Sheriff of Buncombe County

Name and address

FIGURE 2

The juror identification number is used to retrieve the name on the master list for update process described below. The summons form instructs jurors to call a special telephone number printed on the form during the evening prior to their service date. This "juror hotline" is equipped with a tape recording device onto which a message is recorded either instructing jurors to report as scheduled

or that their services will not be needed. This device permits savings in juror fees when as a result of the high number of settlements or a lengthy trial, more jurors are not required. On the back of the summons form are certain basic instructions for the prospective jurors. (See Figure 3).

INSTRUCTIONS FOR JURORS

Length of Service

Buncombe County operates under a one day or one trial jury system. In this system jurors will serve for only one day unless they are chosen to hear a case which lasts more than one day.

Emergencies & Postponements

If there is a grave illness in your family, or equally serious problem that would constitute an undue hardship or extreme inconvenience for you to appear in court the date specified, telephone the Jury Clerk at 255-5230 for instructions on how to obtain a postponement.

Compensation

North Carolina law provides for the compensation of citizens who are called for jury service at the rate of \$8.00 a day. A check for the appropriate amount will be mailed to you at the end of the week in which you serve. In order to receive this check, you must inform the Jury Clerk if your current address is different from the one which appears on your summons.

Parking

Parking facilities are available at the County Parking Lot on the corner of College and Valley Streets, one block to the rear and east of the courthouse.

Other Questions

Any other questions concerning your summons should be directed to the Jury Clerk at 255-5230.

Do Jurors Bring Their Own Summons With Them To Court?

FIGURE 3

The computer sorts the names selected by zip code to facilitate mailing. The summonses are then printed by the machine on a high speed printer and come off the machine ready for mailing. Next, those names selected are sorted by date of service and a file copy of the summonses returnable for each day is printed. (See Figure 4 below). These are used in the update process detailed below. They can also be used to simplify the process of enrolling jurors each day and to maintain a record of the jurors service. Finally, a printout of jurors' names is prepared again listing them by service dates. This list is posted for public inspection and for use by the bar.

UNIT BUSINESS FORM 4

SERVICE YES NO

DEFERRED UNTIL MO DAY YEAR

MO DAY YEAR TO MO DAY YEAR

SERVICE DATE			JUROR NUMBER			EXCUSE DATE		
31		27			34			42

EXCUSED ILLNESS OTHER

UNDELIVERABLE DISQUALIFIED FAILED TO APPEAR

ADDRESS CORRECTION

LAST NAME		FIRST NAME INITIAL	
35		38	39
STREET NO		STREET NAME	
31		46	47
CITY		ZIP	
44		48	49

Name
Address
City

BY []

FIGURE 4

The cash outlay for the automated summoning system is marginally higher than the manual system. However, the elimination of the time consuming manual processing clearly overcomes the additional cost. Table 3 on page 12 details the relative cost factors.

Summoning Jurors

	Manual		Automated	
	Cash Outlay	Staff Time	Cash Outlay	Staff Time
1. Postage- 15,000 Summons @ \$.18 per Summons	\$ 2700.00	(1)	\$ 1800.00	
2. Printing	45.00			
Total Biennial Cost		(2)	\$ (956.00)	
Total Annual Cost	<u>\$ 45.00</u>		<u>\$ 478.00</u>	
3. Processing @ 2½ days per month		<u>30 days</u> (3)		12 hours
4. Cancellation of Summons @ ½ day per month		<u>6 days</u>		
A. Installation Fee for Code-a-phone			\$ [61.00]*	
B. Code-a-phone Service Rate @ \$50 per month			\$ 600.00	
Total Annual Cost		<u>6 days</u>	<u>\$ 600.00</u>	
TOTAL ANNUAL COST OF SUMMONING JURORS	<u>\$ 2745.00</u>	<u>36 days</u>	<u>\$ 2878.00</u>	<u>1.5 days</u>

- (1) \$.12 per Summons (Presort First Class Rate)
- (2) \$.03 per Summons
- (3) 1 hour per month

* This figure includes the installation charge for the Code-a-phone. This is a one time expense and was thus not figured in the total annual cost.

TABLE #3

A recap of the cost comparisons for preparation of the master list, panel selection, and summoning indicates the full measure of the advantage realized under the automated system.

Cost Comparison Recap

	Manual		Automated	
	Cash Outlay	Staff Time	Cash Outlay	Staff Time
I. Preparation of the Master List	\$ 2453.00		\$ 175.00	3 days
II. Selection of Monthly Panels	\$ 600.00	36 days	\$ 600.00	12 days
III. Summoning	\$ 2475.00	36 days	\$ 2878.00	1.5 days
TOTAL	<u>\$ 5798.00</u>	<u>72 days</u>	<u>\$ 3653.00</u>	<u>16.5 days</u>

Net Annual Savings Over Manual System

Cash Outlay	\$ 2145.00
Staff Time	55.5 days

TABLE #4

Elimination of the Summons Return

The summons form being used prior to the automation was a two part postcard mailer. One part of the form was the summons itself and the other a return card on which the prospective juror would write his/her telephone number. The return cards served two purposes. First, they provided an indication in advance of how many jurors might be expected to show up on a given date. Also, the telephone number provided by the juror was used to notify jurors not to come to court when they were not needed.

Analysis of the results of the summoning process revealed that the "yield" of jurors - the number that actually come to court - followed a predictable pattern. The return cards merely served to confirm each day what was the trend over time. Even where the return indicated abnormally low yield, corrective action was seldom taken. Improved data collection and analysis could replace the return as a yield

indicator. Shifts in the yield trend could be detected from data on the number of jurors reporting for service, the number excused, and the number of notices returned by the post office, etc. One justification for the expensive return card was thus eliminated. The telephone alert system eliminated the other reason for the return by providing a mechanism whereby a venire could be cancelled when necessary. The return cards were thus deemed an unnecessary expense.

Updating the Jury List

Two types of update procedures are undertaken each month. The first procedure involves deleting from the master list the names of individuals who have become ineligible for service. These deletions must be made prior to the selection of each new panel of jurors. Names of persons convicted of a felony or declared mentally incompetent are matched against the list. Where a match is found the name is purged from the list. Also, photocopies of death certificates are provided by the Register of Deeds each month for use in updating the jury list. These names are compared with the list and where a match is found, the name is deleted. When a panel is selected, those names are automatically transferred from the master list to a separate file. The service date for which each juror is selected is entered on that individual's "service record" at the time of selection. The service record simply reflects whether the person served on the day for which she/he was summoned or if not, why not. If the juror served, the record is automatically updated to confirm this fact. Punch cards are prepared for each individual who did not serve on the prescribed date. These cards identify the person by the juror number mentioned earlier and are coded to reflect exactly why the person did not serve. The card is coded to indicate one of the following circumstances:

- The juror served more than one day. In this case, the last day she/he served would become the effective service date and the original service date in the computer would be changed to reflect this fact. This would ensure that no juror was selected again within two years of his/her effective service date, a legal requirement.

- o The juror did not serve on the service date for which she/he was summoned but was granted a postponement more than thirty days from that date. This information would be added to the service record and a new summons would be generated for that juror in advance of the new service date.
- o The juror was excused. This fact would be added to the juror's record. The individual would be eligible to serve anytime during the next biennium.
- o The summons was returned from the post office marked undeliverable and the individual's address could not be found. In this case, the person is presumed to have moved from the county. When the next master list is compiled, names coded in this manner will be culled from the raw list, unless the address on the raw list is different from the one on the master list. This procedure is also followed when a juror who fails to appear for service cannot be located.
- o A juror who is summoned proves to be ineligible for service. This information is recorded and added to the service record. It will also facilitate preparation of the next master list. Names so coded will be culled from that list.
- o A juror notifies the jury clerk of an address or name change. The jury file is updated to reflect this information, thus contributing to a more current list.

Development of the System

Developing the automated system was not an overly complicated task. The technical expertise of the county's data processing staff was used to develop the computer programs. Technical knowledge of computer equipment was not required on the part of the court personnel. The court administrator served as project director in order to follow through with details and coordinate the efforts of the various departments. The first step in the development process was a thorough analysis of the operations relating to the jury system conducted in each department, the Sheriff, Clerk of Superior Court and Register of Deeds. Next, a proposal was prepared for the data processing department outlining in very general terms the plan for automating the existing system. The concept was then refined in conjunction with the data processing personnel, and a committee of court officials was formed to direct the project. A cost analysis was prepared comparing the relative costs of the proposed system and the existing manual system.

The Role of the Jury Commission

All of this preparation was prior to the first jury commission meeting. The proposals were then drafted into the form of a tentative "jury system plan" for consideration by the commission. The plan was presented to them in detail. The Commission approved the jury system plan and the court administrator was appointed liaison on behalf of the commission to see that the plan was successfully implemented. This completed the commission's task. Two days of the commissioner's time was required. The jury commission's expenditures dropped from a budgeted \$5,000 to \$350.00 only, \$150 of which was for commissioner's salaries. The remainder was for the computer time required to prepare the master list.

Automated System Cost Considerations

Given the fact that the automated jury system was substantially less expensive than the manual system, it would be erroneous to speak of "start up" costs. However, a number of different kinds of operating expenditures were involved. Some of these were as follows:

- The rate charged by the data processing department for each unit, e.g. 1 hour, of computer time. The Buncombe County Department charged a rate of \$50.00 per hour.
- The amount of programming time involved to translate the jury system plan into machine language. This required three days.
- Key punching time necessary to input data for the jury list and complete the monthly updates. In Buncombe County, the Clerk of Superior Court was fortunate enough to have a trained keypunch operator on his staff. Other counties might have to train somebody. It is not, however, a difficult skill to learn. Buncombe County is in the process of converting from a batch oriented computer system which uses keypunch cards to input data to an on-line direct access system employing television type screens (CRT's) with keyboards much like typewriters.

This method of data input is even simpler than keypunching and is far more efficient. Currently, completing all the monthly updating requires one full day each month. Three days of keypunching was required to prepare the master list. Only a fraction of this will be required the next time, however. Virtually all of the necessary information will already be in the computer. Buncombe County's practice of including school student's adds significantly to the keypunching burden. If other counties decided against such a practice, the keypunching would be virtually eliminated.

- The cost of a presort first class mail permit for the jury summonses. The initial permit fee is \$30.00 with an annual fee of \$20.00 each year thereafter. The presort first class rate per piece is 12 cents.
- The multi-part summons forms used are more economical to purchase in larger quantities than the Sheriff's Department might ordinarily order. In this case a two year's supply of forms was ordered, which naturally involved a greater initial expense. However, when the cost was considered on an annual basis and combined with postage, the cost per summons was still cut from 18 cents to 15 cents.

An Evaluation of the Automated Jury System

The time and dollar savings brought about by the computerized system have already been detailed. There have been other improvements associated with the new jury system. The yield of jurors has increased by 10% from 45% during the last quarter of 1977 to an average of 55% for the first four months of 1978. This means that now for every 100 summonses mailed, 55 jurors can be expected to report rather than 45. This development translates into a smaller postage bill for the Sheriff's Department. The factors contributing to the higher yield are evident in Table 5 below. Use of the more current voter file as the base file for the master list was most significant. Reductions in the number of ineligible persons summoned for duty and notices sent to deceased parties resulted in a net increase of nearly 3 percentage points.

YIELD FACTOR COMPARISON

Factor	Fourth Quarter 1977	First Quarter 1978	Gain or (Loss)
Notice Undeliverable	25	11	14
Failed to Appear	6	6	-
TOTAL	<u>31</u>	<u>17</u>	<u>14</u>
Excused	4	11	(7)
Disqualified	14	12	2
Deferred	6	7	(1)
Deceased	1.1	.3	.8
TOTAL	<u>24</u>	<u>29</u>	<u>(5)</u>
YIELD	<u>45</u>	<u>54</u>	<u>9</u>

TABLE #5

The severe weather in January resulted in an abnormally high excuse rate and the only monthly yield below 55% thus far in 1978. However, a more liberal excuse policy has been in effect since January in an effort to pare down the jury pool when the full complement of jurors is not required. The percentages associated with notices sent to deceased persons in table 4 are deceptively small. During the last quarter of 1977, 38 summonses were sent to grieving families. By comparison this factor was reduced by 71% during the first quarter of 1978. More important than the impact on yield was the poor image of the court system this error left in the minds of the public.

On ten occasions between January and April jurors were advised via the juror hotline that their services would not be required. The estimated savings totalled \$3200.00. Equally important are the inconvenience to taxpayers and the loss of productivity avoided. Finally, better master lists in future years are insured by the updating process which weeds out ineligible and records address changes.

JURY SYSTEM MANAGEMENT

Better data collection and day to day system management have enabled the Court to achieve further reductions in jury expenditures. Data on the "yield" of jurors from the summoning process are now being maintained. This information reflects trends which affect the number of summonses which must be sent to provide the court with an adequate pool of jurors. The jury clerk at the end of each day counts the number of jurors present and accounts for each juror not present. The absence of a juror is attached to one of the factors listed in Table 5. Analysis of this information can reveal problems with the jury system and point the way toward corrective action. For instance from Table 5, it is evident that the poor quality of the master list used in 1977 resulted in a very high rate of undeliverable summonses and this adversely affected juror yield. If it had not been planned, the increased excuse rate reflected in Table 5 would have been cause for corrective action.

Records on juror usage maintained by courtroom clerks have been valuable in determining juror supply requirements more precisely. Among other factors, the clerks record the number of jurors on the panel sent from the pool, the number finally impaneled and the number of challenges exercised. Analysis of these figures revealed that most voir dire could be completed with fewer jurors.

Another analytical technique which has been employed is a study of the flow of jurors into and out of the jury pool during the day. This approach provides a perspective of the juror supply/demand relationship in the court and highlights patterns of under utilization of jurors.

All of these techniques of jury management have been used since January of 1978.⁵ Several months were required to build an adequate data base, but the dividends began to show in March. The planned number of jurors has been reduced each month since March. The results are reflected in Table 6 below.

JUROR REQUIREMENTS

MONTH	PLANNED CALL	ACTUAL CALL	SAVINGS
March	1150	1010	\$ 616.00
April	1220	1060	\$ 704.00
May	1455	1210	\$1078.00
TOTAL			<u>\$2398.00</u>

TABLE #6

FOOTNOTES

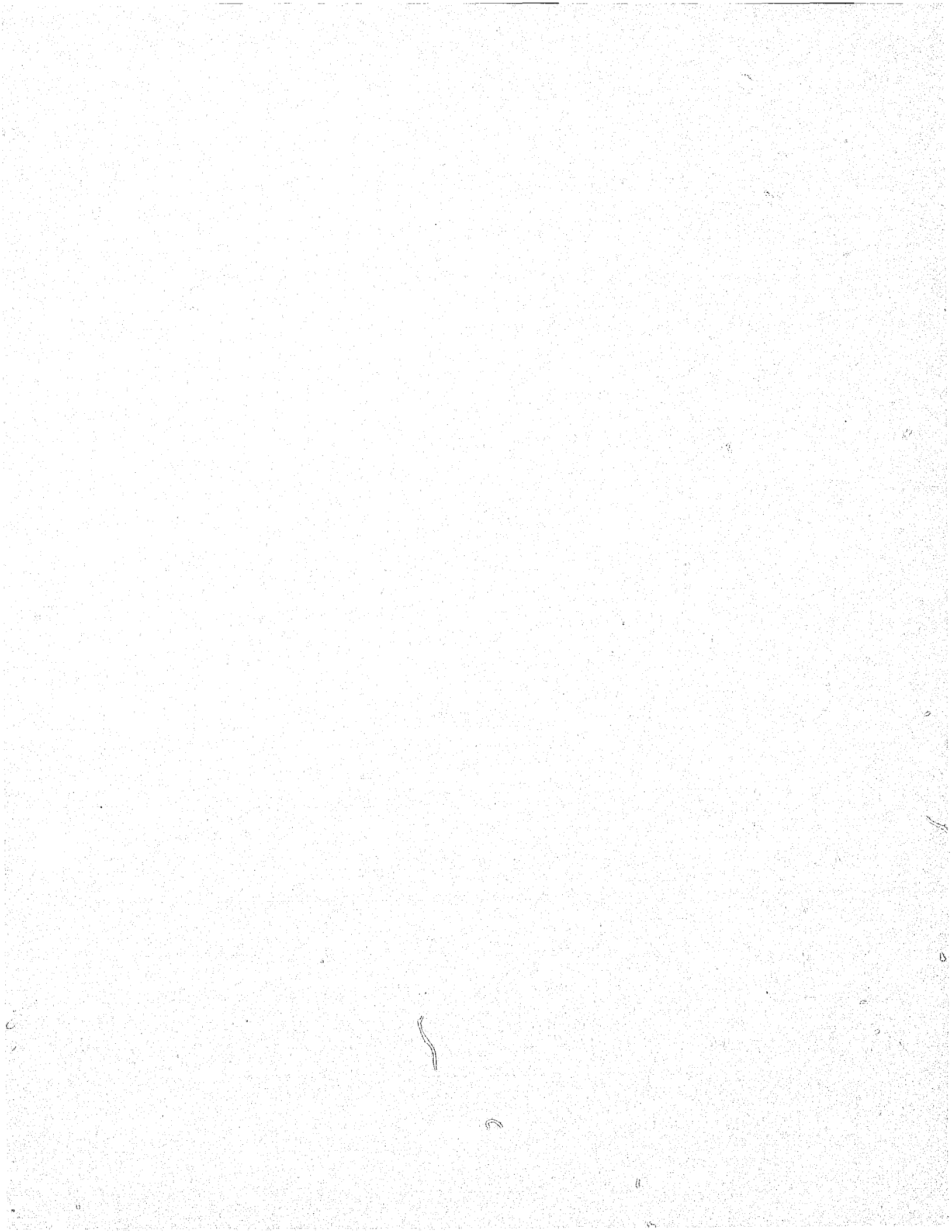
1 The North Carolina Constitution provides for rotation of judges.

2 Superior Court civil jurisdiction is \$5,000 and above. District Court has jurisdiction over all domestic relations cases. The Superior Court has original jurisdiction over felonies and hears misdemeanor appeals de novo. Preliminary hearings on felonies are heard in the district court.

3 The Buncombe County Data Processing Department is equipped with an IBM System 3/Model 12, a Model 1403 Printer and two Model 1340 disk drives.

4 A Guide to Jury System Management, Bird Engineering Research Associates, Inc., Vienna, Virginia, 1975.

5 All of these methods of analysis were taken from A Guide to Jury System Management, Bird Engineering Research Associates, Inc., Vienna, Virginia, 1975 and A Guide to Juror Usage, National Institute of Law Enforcement, Washington, D.C., 1974.



END