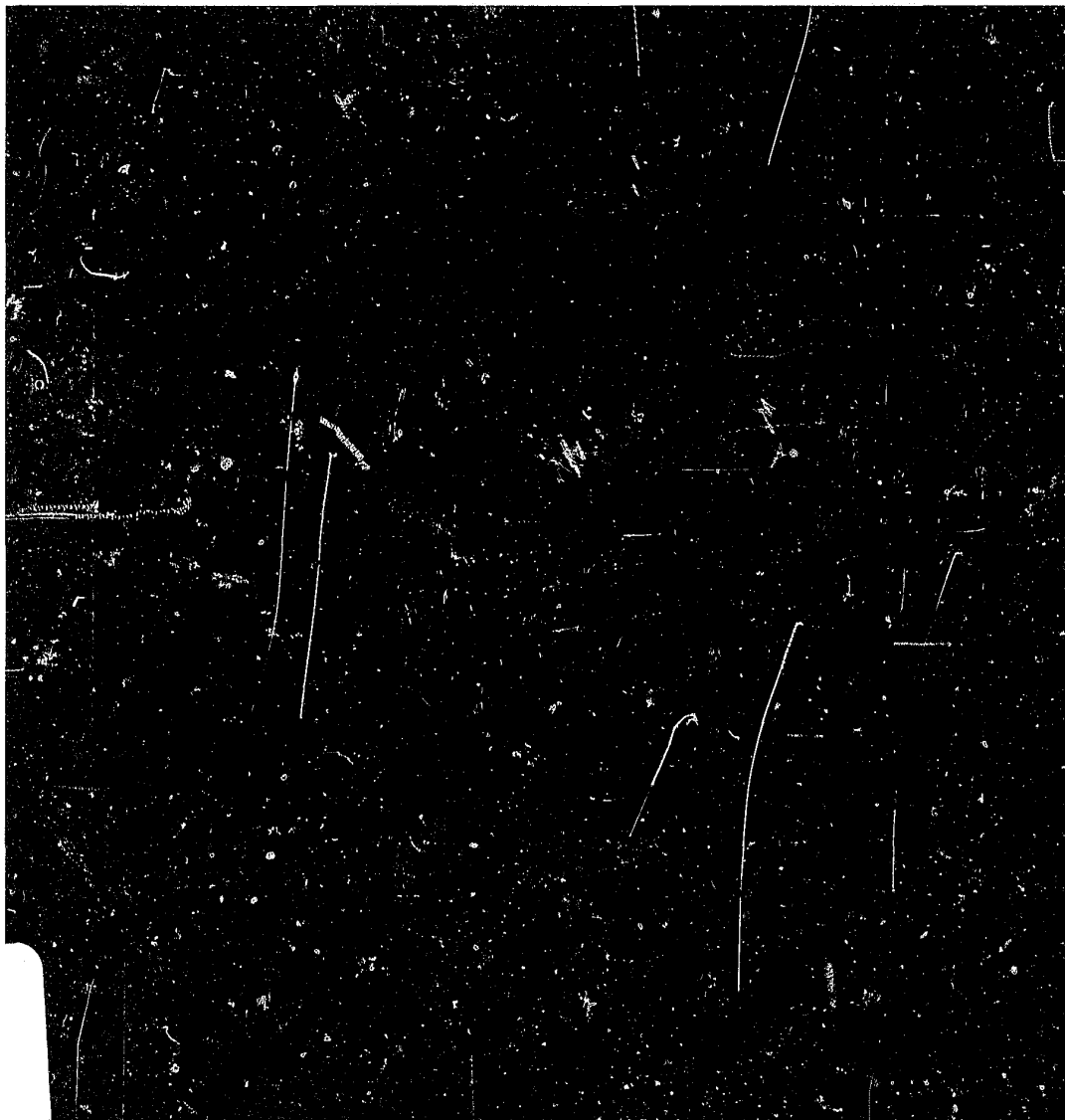


Report



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ACQUISITION

NATIONAL EVALUATION OF THE JURY
UTILIZATION AND MANAGEMENT
DEMONSTRATION PROGRAM

FINAL REPORT

AUGUST 1979

by

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EXECUTIVE SUMMARY

The jury system, despite its integral position in American jurisprudence, represents major constraints upon efficient judicial administration. Large numbers of citizens must be identified, selected, and screened. Those qualified, ready, willing and able must be called, assembled, utilized and managed to serve the needs of the court. And this must be accomplished without the waste of judicial and private resources.

In 1976 the National Institute of Law Enforcement and Criminal Justice embarked on a mission to improve jury system operations in state and local courts throughout the nation. The Jury Utilization and Management Demonstration Program, initiated in the Fall of 1976 and completed in the Spring of 1979, sought to demonstrate the effectiveness of modern jury utilization and management techniques in eighteen courts. The overall objective of the eighteen participating courts was to develop a defensible, improved jury system that would be responsive to the court and the judicial system with minimum cost and burden to the community. The courts attempted to demonstrate specific improvements in jury utilization and management in several critical areas, including juror selection and service, jury representativeness, statutes and court rules. Reducing the number of persons summoned for jury duty, as well as using those summoned most efficiently were key

elements in the Demonstration Program. In addition, the program sought to establish a "community of courts" in which ideas and solutions to common problems were exchanged among the courts, and which serves to encourage the best possible jury system in each of the courts.

Concurrently with the initiation of the Demonstration Program, the National Institute for Law Enforcement and Criminal Justice commissioned Creighton University's Institute for Business, Law, and Social Research to conduct an evaluation of the Demonstration Program. The first half of the evaluation was conducted by the Creighton Institute and completed in the Summer of 1977; the second half was conducted and completed by the National Center for State Courts in August 1979.

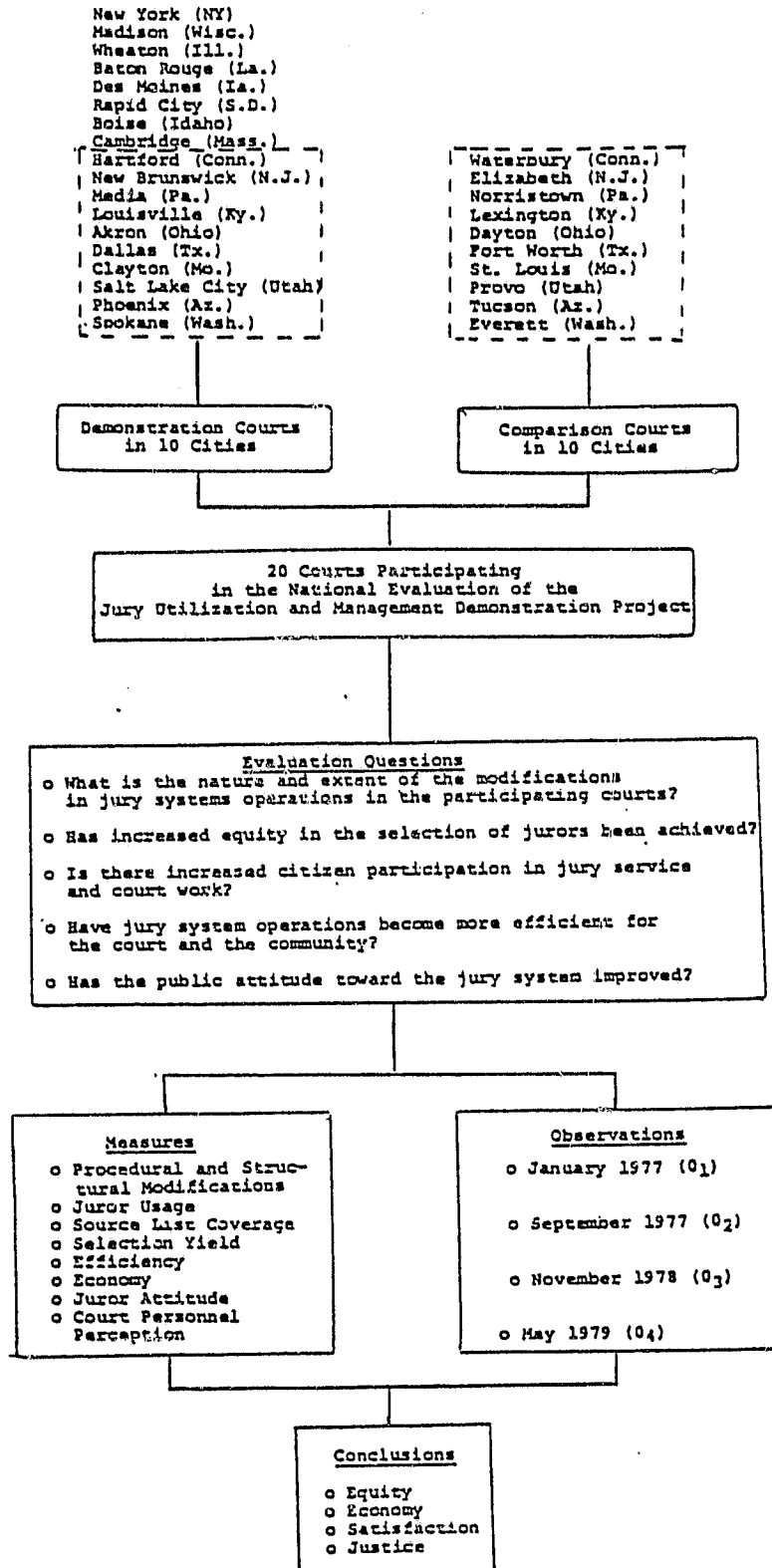
Evaluation Method

The evaluation design incorporates both summative (i.e., outcome, impact) and formative (i.e., process) evaluation components. The figure on the following page summarizes the evaluation method. Measures used in the evaluation include the number and nature of actual changes made by the courts, source list coverage, selection process yield, juror utilization efficiency, juror attitudes, perceptions of court personnel, costs and statute utility.

Ten of the eighteen demonstration courts were selected for the evaluation. Jury system operations in these ten courts were

Schematic Representation of the
National Evaluation of the Jury Management and Utilization Program

Courts in 18 Cities Participating in a
Two-Year LEAA Jury Utilization and Management
Demonstration Project



assessed and compared to those in ten "comparison" courts not participating in the Demonstration Program.

The evaluation design provided for observation and data collection in each of the demonstration and comparison courts at four critical points: (1) before the initiation of the Demonstration Program; (2) at an interim point nine to ten months into the program; (3) immediately prior to the formal termination of the program; and (4) approximately six months after termination of the program.

Results and Conclusions

Conclusions about the impact of the Demonstration Program are focused on the actual modifications of jury operations accomplished by the demonstration courts, and the achievement of the goals of equity in the juror selection process, efficiency and economy, the attitude of the citizenry toward jury service, and the perceptions of court personnel. Summarized below are the conclusions drawn from the evaluation focused in these areas.

It is difficult to guarantee that the intended or desired program elements are the actual elements implemented in a program. Also, the assumption that program goals and objectives have been successfully translated into activities and procedures may be misleading. Were actual changes in jury operations, irrespective of consequence, demonstrated?

- o The goals of change in jury system operations are overlapping, and often conflicting.
- o The feasibility of modifications in aspects of juror selection, screening, utilization and management of jurors, as well as the experience of jury service for the juror has been demonstrated.
- o Demonstration courts initiated approximately three times the number of modifications that comparison courts did in the areas of selection, screening, utilization and management of jurors, and jury service.
- o That modifications in these areas of jury system operations could be or would be generally or uniformly applicable to other systems has not been demonstrated.

One of the general goals of the Demonstration Program is enhancement of equity in the jury selection process. Equity refers to both the degree to which the selection process results in jury panels that adequately represent the eligible population and the degree to which the selection process fairly distributes the obligation of jury service among the eligible population. Equity in the jury selection process depends upon the source lists, selection methods, and screening procedures that are used.

- o Computerization of the selection process and statutory amendments comprised the most important and numerous changes affecting equity in the selection process. In these respects, the demonstration courts were substantially more successful than the comparison courts. Five of the ten demonstration courts and two of the ten comparison courts computerized their selection processes either fully or in part. Of the five courts that fully computerized their selection processes, four were demonstration courts and only one was a comparison court.

- o Personnel in three demonstration courts drafted and secured the enactment of legislation designed to enhance equity in the jury selection process. The drafting and passage of Utah's new, comprehensive Jury Selection and Service Act is potentially the single most pervasive reform that was precipitated by the Demonstration Program.
- o Only one demonstration court supplemented its source list.
- o The vast majority of demonstration and comparison courts employ adequate random or quasi-random techniques for selecting names of prospective jurors. The only court that improved the randomness of its selection method was a demonstration court.
- o Overall, the Demonstration Program resulted in significant but not dramatic enhancement of equity in the jury selection process.

The goal of efficiency encompasses savings to the court, the juror and the community, and generally is achieved by means of improved jury system administration. Economy as a goal refers not only to savings in monetary costs, but also to conservation of human, administrative and technical resources in the courts and community, and a reduced burden on the juror.

- o Demonstration courts and comparison courts improved the efficiency of juror usage during the period from January 1977 to May 1979. An average reduction in the Juror Usage Index of 4.1 among the demonstration courts, compared favorably to a reduction of 1.7 among the comparison courts over the same period. The Juror Usage Index shows great variability across courts and measurement points.
- o Estimated annual dollar savings in juror fees paid by the courts, based on improvements in juror usage exceed \$400,000 for all the demonstration courts and \$100,000 for all the comparison courts.

- o Greater efficiencies in the selection of prospective jurors, as measured by the yield of jurors obtained by the selection procedures of the courts, have not been demonstrated. Consistently from 1977 to 1979, an average of only one-third of the prospective jurors contacted by both the comparison and demonstration courts actually served in the courts. None of the twenty participating courts achieved and maintained the minimum standard of 50 percent yield established by the Demonstration Program.

How do departing jurors feel about various aspects of the system that has managed their stay at the courthouse? One way of obtaining information about the effectiveness and efficiency of a court system is to ask departing jurors to give their impressions of jury service. Using a survey instrument, the "Jury Service Exit Questionnaire," jurors were asked to rate various aspects of the system (e.g., orientation, personal safety, and parking and eating facilities) and to give their overall impression of jury service. These attitudes and opinions serve as indicators of juror satisfaction or dissatisfaction and call attention to areas in which improvement is needed.

- o Jurors' attitudes toward jury service are generally and consistently favorable.
- o Jurors' overall impression toward their jury duty, however, is affected by scheduling of their time, parking facilities, eating facilities, loss of income, and prior service.

One measure of satisfaction or dissatisfaction with a court's management and utilization of jurors, in addition to the attitudes of departing jurors themselves, is the attitudes of court personnel. Judges, clerks, jury

commissioners, and court administrators all work within the constraints imposed by the structure and operation of the jury system. Their attitudes and opinions thus serve both as measures of efficiency and effectiveness with which the system is operated and as indicators of areas in which improvement is needed.

- o Court personnel have generally positive attitudes toward the operation and management of their jury systems.
- o Qualitative analysis revealed a general agreement between what is and what seems to be evident in the jury operations of the court. The impressions of court personnel toward broad aspects of their jury operations generally reflect the trends in the observed modifications, as well as quantitative measures of juror selection, juror usage, and juror attitudes.

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Middlesex County Court, New Jersey
Union County Court, New Jersey
Summit County Common Pleas Court, Ohio
Montgomery County Common Pleas Court, Ohio
Delaware County Court of Common Pleas, Pennsylvania
Montgomery County Court of Common Pleas, Pennsylvania
Dallas County Court, Texas
Tarrant County Court, Texas
Third Judicial Court, Utah
Fourth Judicial Court, Utah
Spokane County Superior Court, Washington
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So many individuals have contributed to the evaluation and to this report in earlier drafts, that the authors hope that they will accept this report as a token of gratitude, forgiving its faults and claiming its merits as their own.

1.0 INTRODUCTION

1.1 Jury Selection, Utilization, and Management: A Brief Overview

The jury system, despite its integral position in American jurisprudence, represents major constraints upon efficient judicial administration. Large numbers of citizens must be identified, selected, and screened. Those qualified, ready, willing and able must be called, assembled, utilized and managed to serve the needs of the court. This must be accomplished without the waste of judicial and private resources.

Not until the late 1960s and 1970s did the administration of the jury system, jury selection, utilization and management come to the serious attention of the courts, lawyers and the public. Much of the interest in jury system reforms has grown out of the general movement in the last decade toward streamlining the administration of justice. The award of a grant resulting in the publication of A Guide to Juror Usage in 1974 marked the first comprehensive research of jury systems at the state and local level and it also marked the Law Enforcement Assistance Administration's first major investment in improved jury operations in the courts. The Guide set forth a framework for the operation of jury systems. A second publication in 1975, A Guide to Jury System Management incorporated field test results of the first publication and presented additional guidelines for jury system planning and organization. These published guidelines were the basis for the Jury Utilization and Management Demonstration Program, initiated in 1976 by LEAA's National Institute of Law Enforcement and Criminal Justice.

The Demonstration Program sought to demonstrate the effectiveness of modern jury utilization and management techniques in eighteen state courts throughout the nation. The overall objective of the eighteen participating courts was to develop an improved jury system that would be responsive to the needs of the court and the criminal justice system with a minimum of cost and burden to the community. The courts attempted to demonstrate specific improvements in jury utilization and management in several critical areas, including juror selection and service, jury representativeness, statutes and court rules. Reducing the number of persons summoned for jury duty, as well as using those summoned most efficiently, were key elements in the demonstration program. In addition, the program sought to establish a "community of courts" in which ideas and solutions to common problems were exchanged among the courts, and which serves to encourage the best possible jury system in each of the courts.

Concurrently with the initiation of the Demonstration Program, the National Institute for Law Enforcement and Criminal Justice commissioned Creighton University's Institute for Business, Law, and Social Research to conduct an evaluation of the Demonstration Program. The first half of the evaluation was conducted by the Creighton Institute and completed in the Summer of 1977; the second half was conducted and completed by the National Center for State Courts in August 1979. This report describes the results of the evaluation.

1.2 Report Organization

This report is written for evaluators, especially those involved in managing state courts, court planners and administrators, as well as those individuals directly involved in jury selection, utilization and management. It is organized into seven major sections and four appendices.

Section 2.0, "Evaluation Method," describes the evaluation rationale and design, measures, instruments and data collection procedures. Figure 2-1 in this section graphically summarizes the evaluation. This section also describes formative components of the evaluation and qualitative analyses performed. Finally, several constraints on the evaluation are described.

Section 3.0, "Changes in Jury System Operations," discusses the Demonstration Program in terms of stated objectives and intentions, as well as the actual modifications in jury selection, screening, utilization, management, and jury service observed in the courts participating in the evaluation. Section 4.0, "Equity in the Juror Selection Process," discusses the issues of fairness and representativeness as outcomes of the selection and utilization of jurors in the courts. Section 5.0, "Efficiency and Costs," discusses how well the courts have achieved the goal of economy in costs and other resources. The final two sections, Section 6.0, "Juror Attitudes," and Section 7.0, "Perceptions of Court Personnel," discuss the evaluation of satisfaction among jurors and court personnel with various aspects of jury operations.

Sections 3.0 through 7.0 are each introduced by several terse statements summarizing the evaluation findings relevant to the section. These summaries are qualified and placed in the context of the evaluation approach in the text that follows them.

Appendix A, "Modifications in Jury Operations of the Twenty Evaluated Courts," contains tables describing in detail the modifications in the courts discussed and summarized in Section 3.0. Appendix B, "Flow Charts and Narrative Descriptions of Jury Operations in Demonstration and Comparison Courts," describes in detail the twenty jury systems that constituted the focus of the evaluation. Appendix C, "Measurement Instruments," contains forms utilized during the data collection efforts in the courts. Finally, Appendix D, "Sample of Qualitative Data," presents illustrative transcribed interview responses by personnel in courts participating in the evaluation utilized in the qualitative analysis.

2.0 EVALUATION METHOD

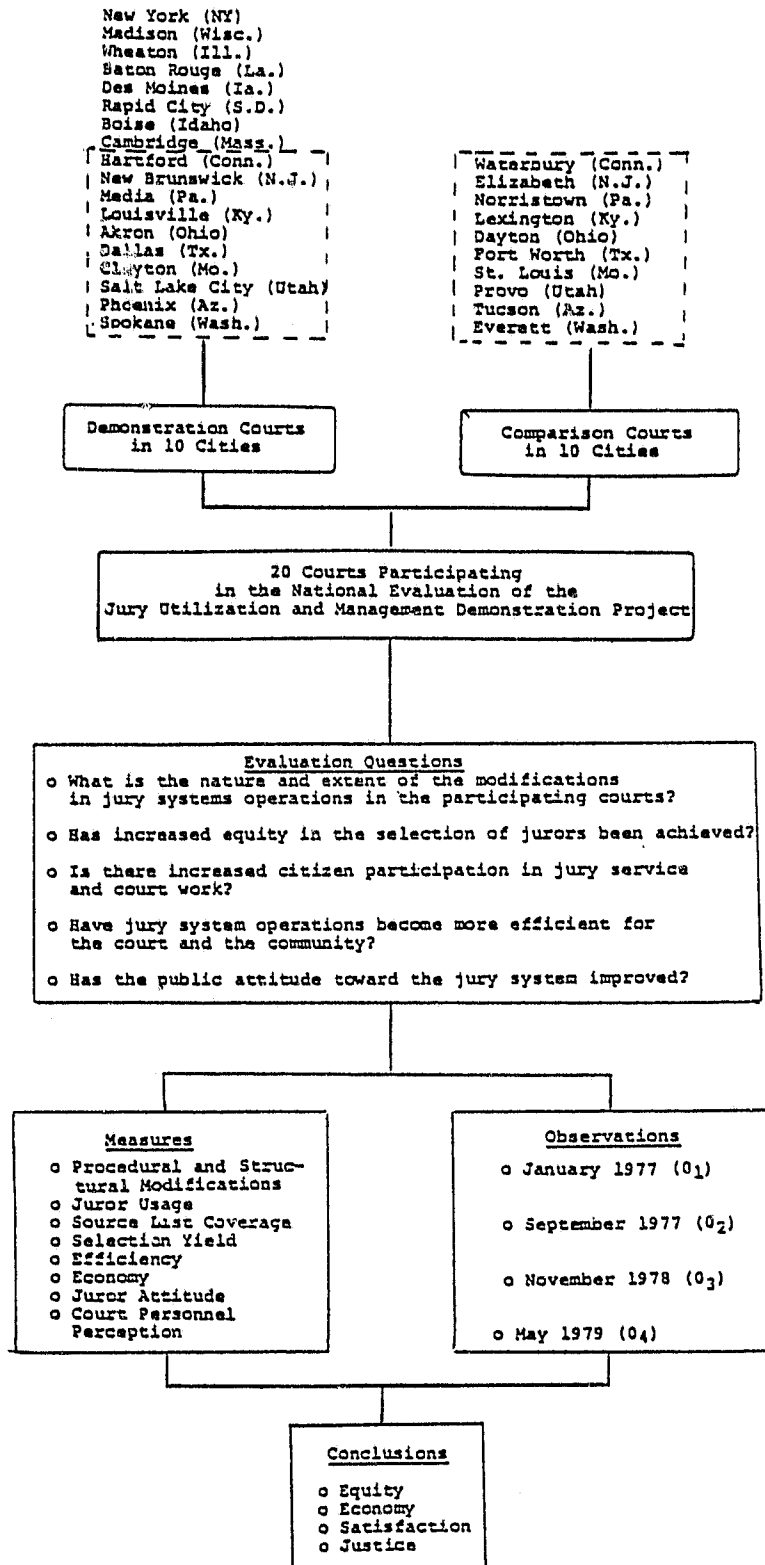
The National Evaluation of the Jury Utilization and Management Demonstration Program is a field experiment of a program of jury system operations applied in selected courts throughout the nation. "Field" is meant to convey a setting not specifically created for the purpose of conducting research or evaluation. "Experiment" means the set of events occurring in the courts in such a way that its consequences can be empirically assessed within reasonable levels of confidence. The evaluation is schematically illustrated in Figure 2-1.

The major goal of each of the eighteen courts participating in the Jury Utilization and Management Program was to develop a defensible, improved jury system which would maximize responsiveness to the court and the criminal justice system with minimum cost and burden to the community. The selected courts attempted to demonstrate improvements in jury utilization and management in several critical areas, including juror selection and service methods, jury representativeness, statutes and court rules. Operationally, each demonstration court sought to study, implement and demonstrate innovations and administrative revisions in areas of jury utilization and management; selection methods responsiveness to court needs; jury service methods; randomness; cost and conditions; citizen awareness; paper work; statutes; and jury system plan (see Section 3.1, "The Intended Program"). In addition,

Figure 2-1

Schematic Representation of the
National Evaluation of the Jury Management and Utilization Program

Courts in 18 Cities Participating in a
Two-Year LEAA Jury Utilization and Management
Demonstration Project



the Demonstration Program sought to establish a "community of courts" in which ideas and solutions to common problems would be exchanged, and which would serve to implant the best possible jury system in each of the courts.

2.1 Evaluation Design

The Evaluation utilized a repeated measurement, nonequivalent group design shown schematically in Table 2-1. This served the concerns of interim monitoring and formative evaluation of the Demonstration Program, as well as those of summative evaluation of program outcome.

Ten comparison courts, with no formal participation in NILECJ's Jury Utilization and Management Demonstration Program, matched with the demonstration courts on jurisdiction size and statutory constraints constituted the nonequivalent comparison (see Figure 2-1). Operationally, matching of the comparison courts and demonstration courts consisted of selecting courts of most comparable population size served within the state of the first ten demonstration courts funded by NILECJ. Courts in the following cities participated in the evaluation (the first named within a state is the demonstration court site): Phoenix, Arizona; Tucson, Arizona; Hartford, Connecticut; Waterbury, Connecticut; Louisville, Kentucky; Lexington, Kentucky; Clayton, Missouri; St. Louis, Missouri; New Brunswick, New Jersey; Elizabeth, New Jersey; Akron, Ohio; Dayton, Ohio; Media, Pennsylvania; Norristown, Pennsylvania; Dallas, Texas; Fort Worth, Texas; Salt Lake

Table 2-1

Basic Design of the National Evaluation of the
Jury Utilization and Management Demonstration Program

Group	Period of Demonstration Program				Six Months After		
	Start	Midpoint	End				
Demonstration Courts	0 ₁	X	0 ₂	X	0 ₃	X	0 ₄
Comparison Courts	0 ₁		0 ₂		0 ₃		0 ₄

Note. "0" in the body of the table designates an observation and measurement point; "X" indicates the operation of the Demonstration Program.

City, Utah; Provo Utah; Spokane, Washington; and Everett, Washington.

The evaluation design provided for observation and data collection in each of the demonstration and comparison courts at four critical points (see Table 2-1): (0₁) before the initiation of the demonstration program in January 1977; (0₂) at an interim point in the program in September 1977; (0₃) immediately after the formal termination of the program in September 1978; and (0₄) approximately six months after termination of the program during May 1979.

2.2 Measures, Instruments, and Data Collection

As indicated in Figure 2-1 the evaluation relied on various measures of jury selection, utilization, management and service; procedural and structural modifications made by demonstration courts and comparison courts during the life of the Demonstration Program; selection process yield; source list coverage; juror usage and efficiency; economy; juror attitudes; and the perceptions of court personnel. These measures were utilized to address the evaluative questions indicated in Figure 2-1. Data collection instruments and techniques, consistent with the measures, were applied to accomodate the evaluation design.

2.2.1 Procedural and Structural Modification

In applying the scientific method, the aspect of the environment that is manipulated and experimentally studied

is called the independent variable; the resulting change is called the dependent variable. In this evaluation effort, the procedural and structural modifications in jury operations can be considered both as an independent variable and dependent variable. If one considers NILECJ's funding of the demonstration courts as the independent variable, then resulting modifications of the jury operations in the participating courts can be studied as dependent measures. The modifications can also be considered the independent variables upon which the other measures depend. In this evaluation effort, the type and number of modifications in jury operations made by the courts were viewed as measures for verification of the Demonstration Program, that is, as the independent variables, as well as a dependent variable, the result of federal support of jury utilization and management reform.

Changes in jury operations in the participating courts were noted by the evaluation staff during O_3 and O_4 , the third observation period in September 1978 and the fourth period in May 1979. Only those modifications in jury operations initiated in January 1977 or later and maintained through May 1979 were recorded. Modifications were initially noted by interviews with court personnel and verified by the evaluation staff during O_3 and O_4 site visits to the courts. In recording the modifications, no attempt was made to weigh or judge the importance or effect of the modifications.

Section 3.0, "Changes in Jury System Operation," summarizes the modifications in jury operations made by the comparison courts and demonstration courts in areas of selection of jurors, screening of jurors, jury utilization and management, and jury service. Appendix A details modifications for all twenty courts.

2.2.2 Selection Yield

The effectiveness of the selection of prospective jurors can be measured by computing the yield of the process of selection. The "yield" of jurors is a quantitative measure of the selection process. It is based on the number of jurors who actually serve in the court in proportion to all jurors involved in the process, including those who are contacted by the court but fail to respond.

Monthly yields for O_1 , O_2 , O_3 and O_4 were computed for the twenty courts participating in the evaluation. A form developed for NILECJ by Pabst and Munsterman was used to record and compute individual monthly yields (see Appendix C). Data for individual yields were compiled from available records by evaluation staff with the assistance of court personnel.

Section 5.1, "Selection Yield," discusses the results of this measure in the context of the achievement of the goals of efficiency and economy in jury operations.

2.2.3 Source List Coverage

The first step in the selection process involves access and use of a listing of names of potential jurors. An adequate "source" list is one that does not systematically exclude a legally recognizable class of eligible jurors and provides an adequate coverage of the eligible population of jurors. Source list coverage is a simple measure of the inclusiveness of the eligible jurors on the list(s) utilized by the court to draw prospective jurors. The percent of coverage is the ratio of the number of individuals represented on the source list(s) to the population of eligible jurors.

Section 4.2.1, "Source List Coverage," discusses this measure for the demonstration and comparison courts.

2.2.4 Juror Usage

The "Juror Usage Index" (JUI) is a measure approximating the overall efficiency with which a court utilizes and manages its jurors. The United States District Courts employ a "Petit Jurors Used" (JS-11) form (Administrative Office of the United States Courts, 1975) which provides a JUI computed for a period of one month. This instrument, adapted for computing a JUI with juries composed of other than twelve persons, was used in the evaluation (see Appendix C). The use of the JUI, including its shortcomings, has been discussed thoroughly in NILECJ's Guide to Juror Usage (1974).

Briefly, as used in the evaluation the JUI is the total

number of jurors available per month in proportion to the total number of jury trials per month. It is based on a twelve jury member standard. If six member juries are used the JUI is appropriately adjusted. Thus:

$$\text{JUI} = \frac{\text{Number of Jury Days}}{\text{Number of Trial Days}}$$

JUIs for O_1 , O_2 , O_3 and O_4 were computed for the twenty participating courts. Section 5.2, "Juror Usage," discusses the result of this measure.

2.2.5 Costs

Costs of jury operations were estimated from change in the JUI obtained from the courts over the period of observation. Section 5.3, "Costs," discusses the issue of efficiency from the point of view of the costs of bringing the jurors into court.

2.2.6 Juror Attitudes

The attitudes of jurors toward aspects of their service was measured in the participating courts utilizing the "Jury Service Exit Questionnaire" (see Appendix C), developed by Pabst and Munsterman and described in the Guide to Juror Usage (NILECJ, 1974).

The instrument solicits information about percent of time spent in the jury waiting room, the number of times dispatched

to a courtroom, the number of times selected to hear a jury trial, jurors ratings of various aspects of jury duty including overall impression of jury service, as well as suggestions for improvement. Over two thousand questionnaires were administered in sixteen courts in January 1977, September 1977 and September 1978. Section 6.0, "Juror Attitudes," describes the result of the analyses.

2.2.7 Perceptions of Court Personnel

A measure of satisfaction with a court's jury system operations, from a perspective different than that of departing jurors, is the attitude of the court personnel involved with the jury system. An eleven-item questionnaire eliciting court personnels' rating of various elements of jury operations (see Appendix C) was administered in the demonstration and comparison courts. This instrument was completed by judges, jury commissioners, court clerks, court administrators and others in contact with the jury operations of their court in January 1977, September 1977, and September 1978.

Evaluation staff also conducted structured interviews with court personnel concerning their perceptions of the jury system in each of the demonstration and comparison courts. Answers to five basic questions were elicited:

(1) Does the selection procedure used in the court (including the use of the source list, qualification, summoning, selection of panels, and finally drawing the jury from the panel) meet the goal of the representative jury?

(2) Are the selection and usage procedures of jurors efficient from the point of view of the court? Juror?

(3) Is the jury system responsive to the needs of the court?

(4) What is the attitude of the citizenry toward jury duty?

(5) What improvements have been made in the jury system within the last year or year and a half? Are they attributable to the Demonstration Program?

The analysis of this interview data is described in detail in Subsection 2.4, "Qualitative Analysis."

The perceptions of court personnel in demonstration and comparison courts measured by questionnaire and interview data is described in Section 7.0, "Perceptions of Court Personnel."

2.3 Formative Evaluation

Evaluation can and usually does play more than one role. The evaluation method described thus far, represented in summary form in Figure 2-1, is evaluation in the role of establishing the worth of the jury operations observed in the courts, the evaluation of the final product or outcome. The methods consist of gathering and combining performance data with a set of criteria to yield either comparative or numerical ratings; it, further, includes the justification of the measures and instruments, the importance given to the measures and the selection of criteria. This is referred to as product, outcome or summative evaluation.

Another role that has been sensibly assigned to many evaluations is a formative role serving the purpose of improvement of the entity under evaluation prior to and in addition to the final assessment. The purposes of formative evaluation are:

- (1) to support and strengthen inferences based on the summative evaluation component (i.e., the quasi-experimental nonequivalent group design) and the qualitative analysis;
- (2) to describe the characteristics of a successful (and unsuccessful) jury system by monitoring and maintaining records of management and utilization procedures, outcomes and events during and after the demonstration program;
- (3) to provide useful and timely feedback for program decisions at the individual court level and at the NILECJ policy level; and
- (4) to improve the Demonstration program by identifying strengths and weaknesses and by recommending courses of action.

In the Jury Utilization and Management Evaluation formative evaluation involved:

- (1) Interviews and discussion with court personnel in demonstration and comparison courts during which information about jury utilization and management was shared. Specifically, strengths and weaknesses in jury operations were identified as well as courses of action. This interaction, the result of which was not specifically measured, was an inevitable part of the data collection effort in the participating courts. Such interactions consistent with the role of formative evaluation ranged from the simple, such as an explanation of multiple source lists for judges, to the relatively involved interactions, such as accompanying a court administrator to budget hearings pertaining to the purchase of computer capabilities for jury operations.
- (2) Meetings for the purpose of linking the potential users of the evaluation results to the evaluation effort. The linkage meetings provided a vehicle

through which the project monitor, interested agency officials, and other potential users could direct the course of the evaluation to maximize impact. As other new users and audiences emerged, especially as the result of a new federal program, they were accommodated. Four of these "linkage" meetings were conducted during the course of the evaluation. Attendees included, in addition to the evaluation staff and NILECJ's evaluation monitor, government officials and their agents directly involved in jury utilization and management.

- (3) Periodic feedback of interim evaluation results to contacts in the demonstration and comparison courts. An interim report (Keilitz, Rich, and Spohn, 1978) representing results after the second observation-measurement period (O₂), a summary of O₃ results and descriptions and flow diagrams of each court's jury operations were sent to each demonstration and comparison court. No attempt was made to assess the impact of this feedback.

2.4 Qualitative Analyses

The desirability of a diversified multiple-measure approach in evaluation research is almost a truism. It has been stated quite succinctly by Webb, Campbell, Schwartz, and Secherest (1966, p.3): "Once a proposition has been confirmed by two or more independent measurement processes, the uncertainty of its interpretation is greatly reduced... If a proposition can survive an onslaught of a series of imperfect measures, with all their irrelevant error, confidence should be placed in it." House (1973, p.25) expresses a similar endorsement of a broad, diversified approach when he predicts that evaluation's ". . . over-all future direction is toward greater coverage and recognition of human experience."

The evaluation has placed considerable reliance on the

nonequivalent group, interrupted time series design as a judgmental aid in evaluating the jury operations of the Demonstration Program. The use of multiple measures increases confidence in this judgmental aid. Fortunately or unfortunately, the application and outcome of such an experimental approach are valued less by non-scientists whose bread-and-butter is based upon experimentation. Stake (1978) has made the claim that case studies, frowned upon by researchers as an unsuitable basis for generalization, may be a preferred method of social inquiry "because they may be epistemologically in harmony with the reader's experience and thus to that person a natural basis for generalization."

Program evaluation can be viewed in the narrow, atheoretical perspective by simply ascertaining the question of whether a set of program objectives has been accomplished. If intelligent program and policy decisions are to be made, however, evaluations should also provide information about the critical elements which contribute to program success or failure. This information is accessible in the comments of system participants. While the evaluation of a particular program's outcome may not be generalizable to other programs, the knowledge gained from participants about how to make a program work may well be.

An evaluation of an action program such as the Jury Utilization and Management Demonstration Program must consider the social context of the program, including the

process of judging worth as a function of the values held by relevant audiences. To a judge, it may be unimportant, for example, that the selection process yield is very low as long as he/she is allowed to exercise discretion in granting excuses and thus maximize appeal to a potential electorate. An increase in the selection yield, on the other hand, may be close to the raison d'etre of the jury commissioner.

As a supplement to the quantitative measures and techniques of evaluation research described thus far, an analysis of qualitative data was conducted. The use of the qualitative information acknowledges the lore and wisdom which has been passed on to us by court personnel -- namely, that there is more to an efficient court system than what is expressed in the demonstration project's standardized measures.

The general approach that was used in analyzing the qualitative information is depicted in Figures 2-2, 2-3, and 2-4. Basically, the approach uses expert appraisal to make ratings of selected materials. The ratings were performed using a "blind Q-sort" technique. Ratings were blind in that the expert raters did not know which courts the qualitative materials came from. The Q-sort is a rating procedure accomplished by sorting materials into a series of piles from best to worst. The technique yielded two important end products. First, there was a test of whether or not qualitative materials from the successful courts are any "better" according

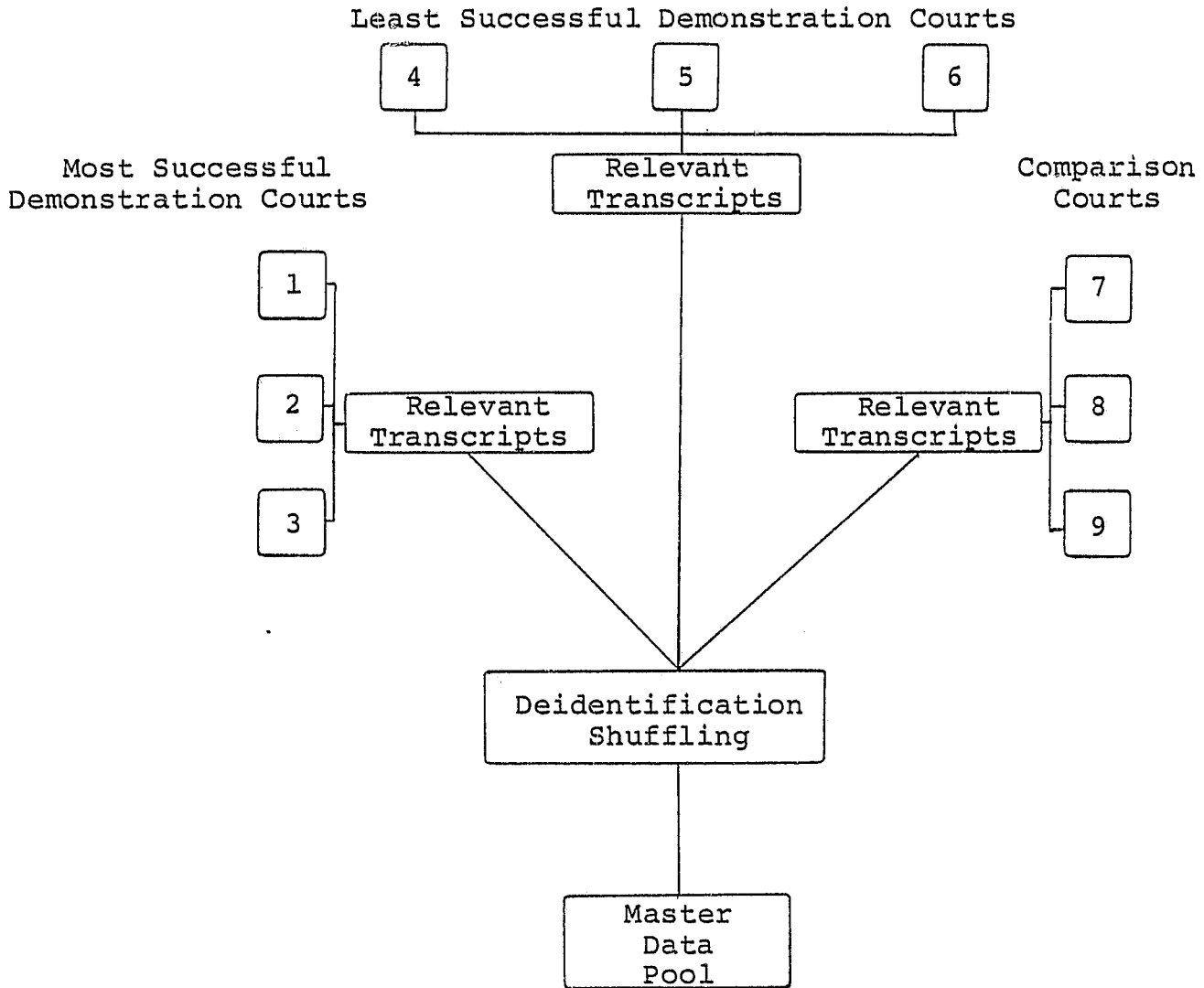
to the blind ratings. And second, qualitative content analyses, again performed by an expert panel, revealed what it is about the qualitative materials which led to the higher ratings from the panel of experts.

Figure 2-2 shows how the analysis was started. The three most successful experimental courts were identified through the use of quantitative measures. Using the same measures, the three least successful courts were identified. To complete the sample, three comparison courts were chosen randomly from the ten participating comparison courts. Utilizing the combination of the measures of selection yields, juror usage and the number of structural modifications the Dallas, Clayton, and Spokane courts were designated as the most successful among the demonstration courts; Hartford, Akron, and Salt Lake City were designated as the least successful. Provo, St. Louis, and Norristown were the three courts randomly chosen to represent the comparison courts.

Qualitative materials were chosen from all nine of the courts in the sample. The qualitative materials comprising the data pool were responses of court personnel to five interview questions (see Section 2.2.7, "Perceptions of Court Personnel"). Each response was transcribed and subjected to minor editing and deletions to filter out irrelevant information. Any information which identified particular courts, or their identities as demonstration or comparison

Figure 2-2

Formation of Qualitative Data Pool



courts, was deleted. Finally, the materials were shuffled randomly into a master data pool comprising five sets of transcribed responses to five questions. An illustrative sample drawn from the data pool is shown in Appendix D.

Figures 2-3 and 2-4 show the process of qualitative analysis and expert appraisal. Panel participants with differing "expert" perspectives on the jury system were asked to read each piece of data and rate it according to its favorability. As indicated in Figure 2-4 a total of 42 pieces of data were rated for each interview question. The criterion for favorability was explained to the panel in advance. Each expert, working independently, placed the qualitative materials into a series of five piles. The panel members were asked to adhere to two procedures: the piles should be ordered from least successful (pile 1) to most successful (pile 5); and only a certain number of materials were to be placed in each pile (10% in piles 1 and 5, 20% in piles 2 and 4, and the remaining 40% in pile 3). This rating-by-sorting technique has been used extensively in other research, is easy for raters to use, and has produced useful results in these types of rating problems.

At this point the qualitative materials were separated into those which show strengths and those which show weaknesses. In sorting the materials, the experts were not made aware of which materials came from which courts. The materials were

Figure 2-3

General Rating Scheme for
Expert Appraisal

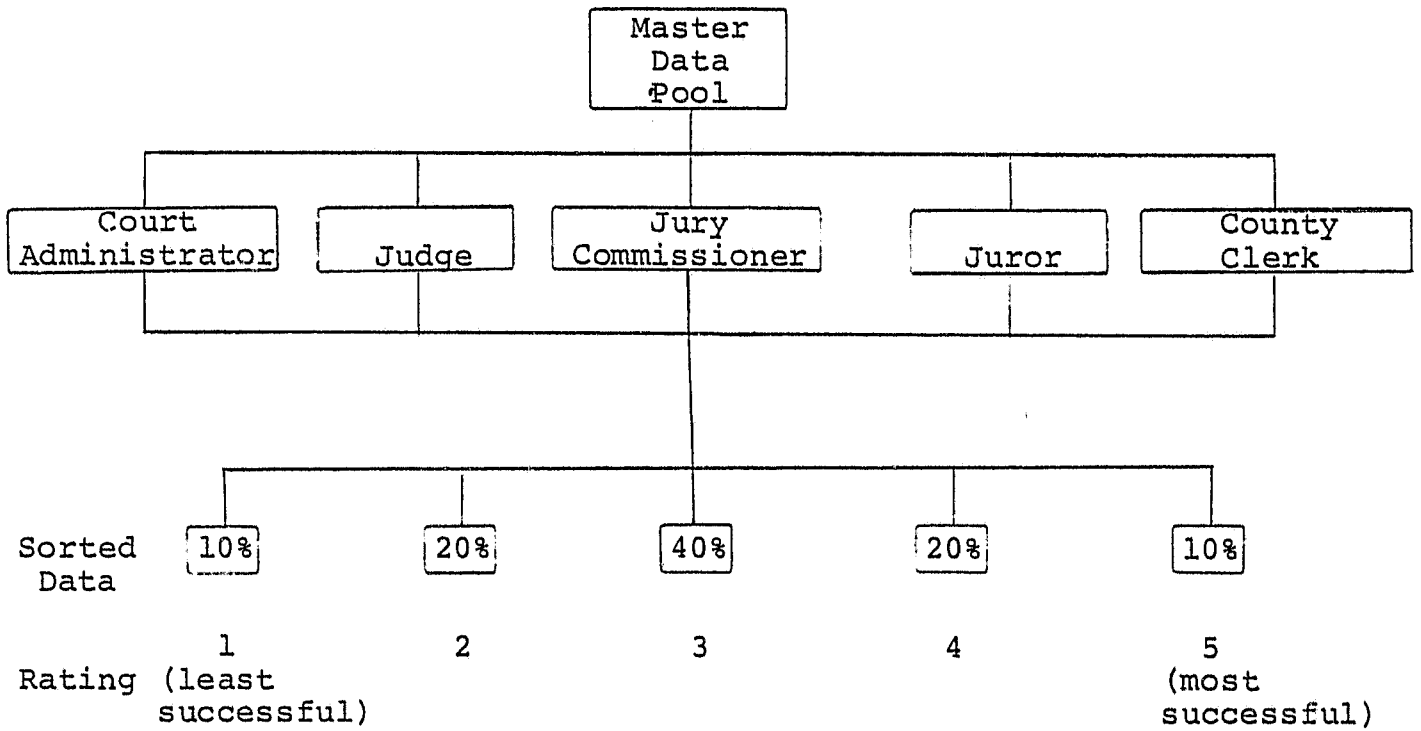
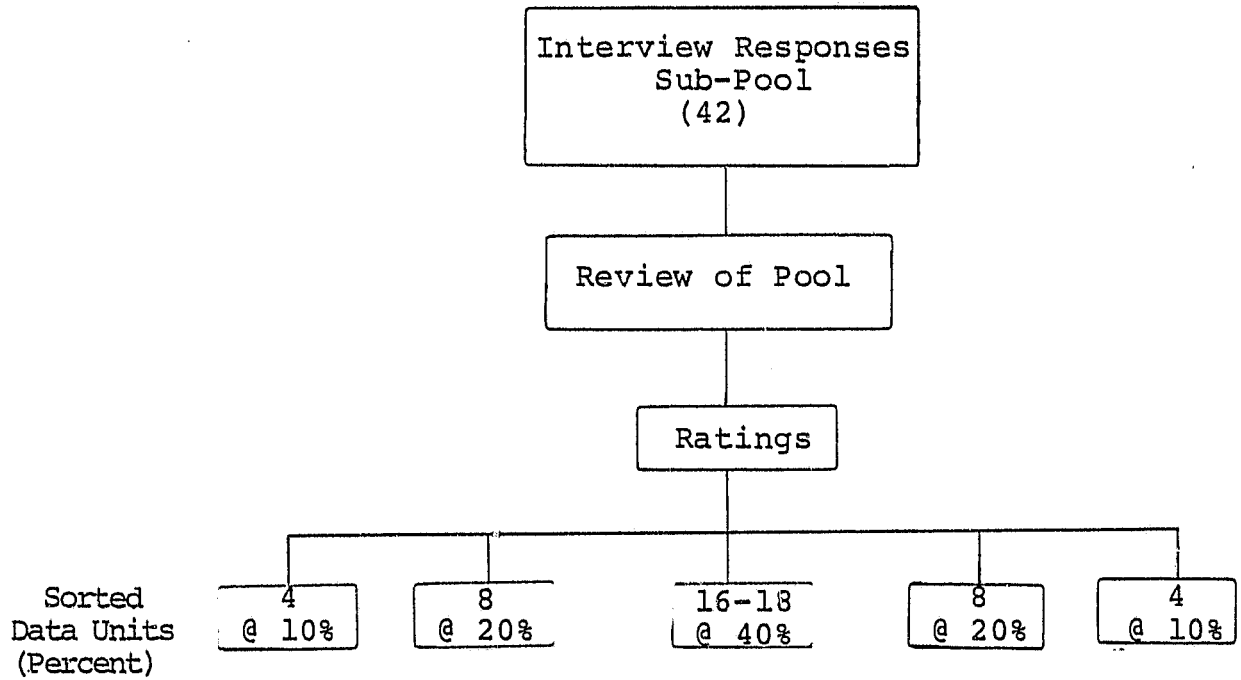


Figure 2-4

Procedure for Rating and Sorting Interview Responses to Each Question



subsequently identified once again to see whether the successful courts (as determined by the quantitative data) tended to produce more qualitative information which received favorable ratings. Once the expert appraisal, depicted in Figure 2-4, produced the sorted data for each question, each of the five participants was asked to produce two statements revealing the reasons for their rating.

The analytical task is displayed in Figure 2-5. Mean ratings were determined for the qualitative materials from the "best" experimental courts, the "worst" experimental courts, and the comparison courts. This shows whether the materials from the "best" test courts are rated significantly better than the other materials, and whether the materials from the weaker test courts are superior to those of the comparison courts.

The next task performed by means of expert appraisal was qualitative analysis of the materials. The purpose of this was to analyze the content of the materials to discover the characteristic differences in the materials that led to the higher ratings. Each panel member was asked to make two statements revealing the characteristics of the interview data that contributed most significantly to the ratings of the responses to the five questions.

The outcome of this analytical process tested the

Figure 2-5

Analysis of Sorted Qualitative Data

	Strong Experimental Courts	Weak Experimental Courts	Comparison Courts	
Mean Ratings	$\bar{X}E_1$	$\bar{X}E_2$	$\bar{X}C$	Quantitative
Content Analysis	attitudes strategies outcomes	attitudes strategies outcomes	attitudes strategies outcomes	Qualitative
Rating =	1 (strong 10%)	5 (weak 10%)		
Content Analysis	attitudes strategies outcomes	attitudes strategies outcomes		Qualitative

success of the program using a nontraditional approach, but an approach strongly suggested by the system participants. It also yielded descriptive data from which it may be possible to understand better what goes into the making of a successful jury system. Section 7.0, "Perceptions of Court Personnel," discusses the results of the qualitative analysis.

2.5 Constraints on the Evaluation

All evaluations are basically some form of comparison. Whether comparing a group of courts receiving some kind of special treatment with a similar group who did not receive the treatment, or comparing actual accomplishments of a program for a given time period with planned or expected performance. The evaluation design provides the framework for making the comparisons from which inferences and conclusions are drawn. Yet, while data tabulation and comparative analysis may strongly suggest relationships and conclusions, the final decision (evaluation is no substitute for decision-making) relative to "success" or "failure" is still a matter of judgment. There are several specific constraints on the evaluation, beyond this general caveat, which should be pointed out. The constraints concern issues of internal validity, reactivity effects of the evaluation process, nonspecificity of the treatment effect, and validity of measures.

The method employed in the present evaluation includes

a quasi-experimental design, specifically a repeated measurement, nonequivalent group design. As all quasi-experimental designs, it meets the minimum requirements:

- (1) A group with special treatment and another group with no such treatment.
- (2) The explicit inclusion of time in the design to project differences between the treated and untreated groups not attributable to the treatment.
- (3) Some way to project any differences between the groups over time given no treatment effect.

The third requirement gets at the heart of the major constraint of quasi-experimentation -- the issue of plausible, alternative explanations of the any hypothesized treatment effects. In true experiments, where assignment to groups is random, the rival explanation of mean differences between treated and untreated groups is sampling error which can be ruled out by a significance test. For the nonequivalent group design of the present evaluation effort, as for most quasi-experiments, sampling error and biased selection into groups loom as rival explanations of differences between the demonstration and comparison courts. Any differential effects may be due to differences in the types of courts in the groups rather than the fact that one group (the demonstration courts) received a different treatment. Rival explanations may or may not be plausible. A difference in favor of the demonstration courts may be attributed to the fact that the selection of courts as participants in the Demonstration Program indicates a predisposition to improvement. A constraint on the evaluation is the inability to eliminate such rival explanations.

As described in Section 2.3, "Formative Evaluation," no attempt was made in the evaluation to shield courts from the effects of the evaluation process itself. In fact this "reactivity" effect was seen as a desirable aspect of the evaluation. Court personnel were asked to assist in data collection efforts of the evaluation, and to continue the data collection for their own benefit. Since the monitoring of jury operation performance lies at the heart of many of the techniques of the Demonstration Program, improvement can be plausibly attributed to the reactive effects of the evaluation effort. This rival explanation is especially relevant in attributing improvement in comparison courts.

Another constraint on the evaluation is the lack of specification of the treatment or program that is hypothesized to have effects on some specified dependent measures. The argument for causation is weakened when covariance of cause and effect cannot be demonstrated; when a potential cause cannot be isolated and related to effects. The degree to which several specific changes in juror usage (e.g., telephone call-in system, fixed panel sizes, and pooling of jurors) in a court, for example, are related to reductions in the Juror Usage Index are not clear from the comparative analysis provided by the non-equivalent group design.

A final constraint on the evaluation is the measures utilized, their validity and justification as well as the

criterion of "goodness" established or assumed. The JUI (discussed in Sections 2.2.4, "Juror Usage," and Section 5.2, "Juror Usage"), for example, has several shortcomings which limit the conclusions which can be drawn from its application. It is biased by the length of jury trials -- courts with consistently longer trials will demonstrate lower JUI, regardless of juror usage efficiency.

3.0 CHANGES IN JURY SYSTEM OPERATIONS

- o The goals of change in jury system operations are overlapping, and often conflicting.
- o The feasibility of modifications in aspects of juror selection, screening, utilization and management of jurors, as well as the experience of jury service for the juror has been demonstrated.
- o Demonstration courts initiated approximately three times the number of modifications that comparison courts did in the areas of selection, screening, utilization and management of jurors, and jury service.
- o That modifications in these areas of jury system operations could be or would be generally or uniformly applicable to other systems has not been demonstrated.

It is difficult to guarantee that the intended or desired program elements are the actual elements implemented in a program. Also, the assumption that program goals and objectives have been successfully translated into activities and procedures may be misleading. Were actual changes in jury operations, irrespective of consequence, demonstrated? This section attempts to separate the intended program of jury utilization and management from the demonstrated program by describing the actual modifications initiated by the demonstration and comparison courts participating in the evaluation. The discussion of actual modifications is preceded by a discussion of the goals and intentions for the Demonstration Program.

3.1 The Intended Program

The primary objective of the National Institute's (NILECJ), Office of Technology Transfer, Jury Utilization and Management Demonstration Program was the achievement of a "community of courts" to exchange ideas and solutions to common problems, and introduce the best possible jury system into each of the participating courts. This primary objective is translated into the subobjectives of demonstrated improvements to the jury utilization and management systems in the demonstration courts, and dissemination of this improvement to other courts. Operationally, each demonstration court was to study, implement and demonstrate innovations and administrative revisions in nine elements of jury utilization and management. These nine elements and the topics subsumed by those elements are summarized in Table 3-1.

The Demonstration Program was to achieve beneficial results in five basic areas (Note 1):

- (1) Increased defensibility of juror selection methods.
- (2) Increased citizen participation in jury service and the work of the courts, with resultant improvement in citizen attitudes toward the criminal justice system.
- (3) Improved responsiveness of the jury system to the court's needs.
- (4) Reduced economic burden upon the individual called to serve on jury duty, resulting from an examination of hardship factors such as the term of service and the repetition rate of jury service.
- (5) Decreased court and community costs of the jury system resulting from the introduction of data

Table 3-1

Elements and Topics of Jury Utilization
and Management To Be Studied, Implemented
and Demonstrated by Participating Courts

Elements	Topics
Selection Methods	Source List Qualification Methods/Cost Summoning Methods/Cost
Responsiveness to Court Needs	Number of Jurors Needed Judge Waits Voir Dire Information
Jury Service Methods	Enrollment Voir Dire/Courtroom Utilization (Pooling)/Cost
Randomness	Number of Draws Size of Lists Order of Lists
Cost and Conditions	Terms of Service Fee Loss of Income Repetition of Service Cost
Citizen Awareness	Citizen Information Juror Problems Juror Comfort
Paper Work	Amount, Repetition, Necessity, Cost
Statutes	Organize, Evaluate Examine Identified Impediments
Jury System Plan	Jury System Operation and Responsibilities

Note. Adapted from Table 1 of the scope-of-work statement (see Note 1) for prospective demonstration courts prepared by Bird Engineering-Research Associates, Inc. for the National Institute for Law Enforcement and Criminal Justice (Purchase Order 6-0708-J-LEAA, June 1976, p.5).

processing techniques, modern paper work methods, and more efficient utilization of the citizen's time when called to serve on jury duty.

Study, implementation and demonstration of jury operations improvement was to be achieved according to two guides, A Guide to Juror Usage (NILECJ, 1974), and A Guide to Jury System Management, (NILECJ, 1975), developed for NILECJ by W. Pabst and T. Munsterman of Bird Engineering-Research Associates. A series of workshops and seminars sponsored by NILECJ and the demonstration courts, as well as the technical assistance of Bird Engineering, was to supplement the efforts of the demonstration courts toward the achievement of the program's objectives.

Beyond these stated program objectives and the general guides only a few loose requirements "suggested as necessary concomitants" were placed on participating courts (Note 1):

- (1) a formal study of the nine elements as noted in Table 3-1;
- (2) a program director, employed by the demonstration court, to devote more than 25 percent of his time to the project;
- (3) a budget not to exceed \$100,000 provided to each of the participating courts by NILECJ;
- (4) a commitment to a course of action based on the formal study of the elements of jury utilization and management;
- (5) a self-evaluation of the project;
- (6) an information desk to handle questions and concerns of the citizenry; and
- (7) a detailed task schedule, including a program of transfer of technology.

3.2 Balances

The goals of the Demonstration Program are those of equity, responsiveness, economy and satisfaction. The general goal of achieving equity includes making juries more representative of the eligible population and otherwise enhancing the fairness of the judicial system. Responsiveness refers to the alacrity with which the court can respond to the needs of judges, lawyers and litigants for properly constituted juries. Economy is achieved by reducing the costs borne by the courts, as well as those borne by jurors and the community as a whole. Satisfaction encompasses the attitudes of jurors, court personnel, and the public.

Table 3-2 depicts the areas in which the twenty courts participating in the evaluation have made modifications in their jury operations, and the number of courts initiating modifications in each of the specified areas. Table 3-2 also shows the primary goal and secondary goal, i.e., equity, economy, responsiveness and satisfaction, toward which specific modifications seem to be aimed. Clearly, there are other goals of an improved system, as well as combinations of goals achieved by improvements. Efficiency, for example, has been touted as a major goal for jury operation change. In our view, the contemporary meaning of efficiency is monetary savings achieved in the overall costs of jury administration - the superordinate goal of economy. Further, achievement of one goal may impede the achievement of another, as when a decrease in the number of jurors summoned

Table 3-2

Areas of Jury System Change, Number of Courts Initiating Change, and Goals of that Change

Area of Change	Number of Courts Initiating Change		Goal	
	Demonstration	Comparison	Primary	Secondary
Selection				
o source list supplementation	11	4	equity	responsiveness
o change in statutes			equity	responsiveness
o computerization			equity	responsiveness
Screening				
o qualification questionnaire	12	5	equity	economy
o summoning			equity	economy
o excuse procedures			equity	satisfaction
o change in statutes			equity	economy
o computerization			equity	responsiveness
Utilization and Management				
o term of service	24	8	equity	satisfaction
o trial scheduling			responsiveness	economy
o pooling			economy	responsiveness
o panel size			economy	responsiveness
o call-in-procedure			economy	satisfaction
o jury management responsibility			responsiveness	economy
o statutes			responsiveness	economy
o computerization			responsiveness	economy
Service				
o orientation & juror information	35	9	satisfaction	equity
o jury assembly room improvements			satisfaction	responsiveness
o payment procedures			satisfaction	equity
o public relations			satisfaction	equity
o statutes			satisfaction	equity
o computerization			satisfaction	equity

to service causes a delay in trial starts - in this case economy competes with responsiveness to the judicial system.

As indicated in Table 3-2 not all procedures in one change area are aimed toward a single goal. For example, in the general area of utilization and management, modifications such as pooling, trial scheduling and term of service are aimed toward the goals of economy, responsiveness, and satisfaction, respectively. Although there is not a perfect fit between broad areas of jury system operation and general goals, the goal of equity is most directly achievable through modifications in the selection and screening procedures of jurors. Similarly, the goal of satisfaction is most directly achievable through modifications in jury utilization and management procedures.

3.3 Actual Modification in Jury Operations

Table 3-3 summarizes the number of modifications in jury operations initiated by the participating courts during the period beginning in January 1977 and ending in May 1979 coinciding with the life of the Jury Utilization and Management Demonstration Program. Modifications have been classified into functional areas of the (1) selection of prospective jurors, (2) procedures for screening of prospective jurors, (3) utilization and management of jurors, and (4) actual service phase of jury duty. The area of selection includes statute and rule-making changes affecting jury operation,

Table 3-3

Number of Modifications in Jury Operations of Participating Courts
in the Areas of Selection, Screening, Utilization and Service
During the Period Beginning January 1977 and Ending May 1979

Courts	Selection	Screening	Utilization & Management	Service	Total
Demonstration					
Phoenix	1	2	4	4	11
Hartford	1			3	4
Louisville	1	2	4	3	10
Clayton	1	1	3	1	6
New Brunswick	1	2	2	3	8
Akron	1	1	1	6	9
Media	2	2	2	4	10
Dallas	1		5	4	10
Salt Lake	1	2		5	8
Spokane	1		3	2	6
Total	11	12	24	35	82
Comparison					
Tucson			2	1	3
Waterbury			1	1	2
Lexington	2		1	1	4
St. Louis					
Elizabeth		1	1	2	4
Dayton	1	1			2
Norristown	1	1	1	3	6
Ft. Worth					
Provo		1			1
Everett		1	2	1	4
Total	4	5	8	9	26

operational changes in the source of prospective jurors, as well as the manner in which the court secures, samples and draws the names of prospective jurors from the source list and its derivatives. The selection process involves the identification of a source list or lists of names, such as the voter registration list or a combination of several lists, and the selection and maintenance of one or more subsets of those lists for the court's use in identifying acceptable prospective jurors. The area of screening noted in Table 3-2 refers to all the operations and procedures performed to identify those persons who are not qualified for jury service, exempt, validly needing to be excused or postponed, and those prospective jurors named but not accessible by mail. Utilization and management refers to all activities performed by court personnel to direct and allocate juror resources in response to the supply and demand of those resources. Finally, the area of service includes modifications aimed at making jury service as pleasant and meaningful as possible for the citizen. Obviously, some, if not all, modifications overlap two or more categories. A modification was classified in the one area in which its major impact may be felt. No attempt was made to account for this overlap in Table 3-3. Also, no attempt was made to weigh the effort required of the court to make the modification or the importance of the modification. Appendix A, Tables A-1 through A-10, provides a detailed description of the modifications, as summarized in Table 3-3, made in the ten demonstration courts

and ten comparison courts.

A total of 108 modifications in jury operations were noted in the twenty evaluated courts between January 1977 and May 1979. As noted in Table 3-3, 86 changes were made in demonstration courts and 26 were made in the comparison courts. The number of modifications initiated by the courts, a crude early indicator of impact, favors the demonstration courts in all four modification categories. In no state did the number of modifications observed in the comparison court exceed that observed in demonstration courts.

In the area of selection, each demonstration court initiated at least one change. Eleven changes in total were noted in the demonstration courts; three comparison courts made a total of four changes. As noted earlier, the modification was not weighed according to effort required or ascribed importance. Modifications in selection varied from the supplementation of source lists in Clayton, or the statutory elimination of class exemptions in Phoenix, to the inclusion of the selection of municipal court jurors along with those of the superior court in Spokane (see Appendix A).

A total of twelve changes in the screening of jurors were made in seven demonstration courts; five comparison courts made five changes in this area. Twenty-four modifications in jury utilization and management were made in eight of the

demonstration courts; only Hartford and Salt Lake, among the demonstration courts, did not initiate change in this area. Six comparison courts made a total of eight modifications in their jury utilization and management practices. By far, the most change occurred in the area of jury service. All ten demonstration courts made some modification of their operations in this area, a total of thirty-five such changes; nine changes were noted in six comparison courts.

4.0 EQUITY IN THE JUROR SELECTION PROCESS*

- o Equity in the jury selection process depends upon the source lists, selection methods, and screening procedures that are used. Computerization of the selection process and statutory amendments comprised the most important and numerous changes affecting equity in the selection process. In these respects, the demonstration courts were substantially more successful than the comparison courts. Five of the ten demonstration courts and two of the ten comparison courts computerized their selection processes either fully or in part. Of the five courts that fully computerized their selection processes, four were demonstration courts and only one was a comparison court.
- o Personnel in three demonstration courts drafted and secured the enactment of legislation designed to enhance equity in the jury selection process. The drafting and passage of Utah's new, comprehensive Jury Selection and Service Act is potentially the single most pervasive reform that was precipitated by the Demonstration Program.
- o Only one demonstration court supplemented its source list.
- o The vast majority of demonstration and comparison courts employ adequate random or quasi-random techniques for selecting names of prospective jurors. The only court that improved the randomness of its selection method was a demonstration court.
- o Overall, the Demonstration Program resulted in significant but not dramatic enhancement of equity in the jury selection process.

*The primary author of this section is William D. Rich.

4.1 Equity Defined

One of the general goals of the Jury Utilization and Management Demonstration Program is enhancement of equity in the jury selection process. In this context, equity refers to both the degree to which the selection process results in jury panels that adequately represent the eligible population and the degree to which the selection process fairly distributes the obligation of jury service among the eligible population.

The Sixth Amendment to the United States Constitution provides that "In all criminal prosecutions, the accused shall enjoy the right to a speedy public trial, by an impartial jury" The Sixth Amendment right to a jury trial applies to state criminal prosecutions through the Fourteenth Amendment Due Process Clause.¹ The U.S. Supreme Court has held that the systematic exclusion of blacks² or women³ constitutes a violation of the Sixth Amendment right to a trial by an impartial jury. The Court has articulated the principle that criminal defendants are entitled to juries that are selected from representative cross-sections of the community.⁴ In addition, the states have provisions in their own constitutions concerning the right to a trial by an impartial jury.

In order to assure an equitable distribution of jury duty among the eligible population, the jury selection

process must minimize the number of times each citizen is called for service. Thus it is necessary to involve as many persons in the jury system as necessary, consistent with the competing goal of economy.

According to LEAA guidelines, the Demonstration Program is intended to enhance the "defensibility of juror selection methods" and increase "citizen participation in jury service."

(Note 1) The susceptibility of a jury selection process to constitutional attack and the degree of citizen participation in jury service are affected by the source lists, selection methods, and qualification, exemption, and excuse procedures used by a court.

4.2 Source List

4.2.1 Source List Coverage

The first step in the juror selection process is to obtain a list of names from which to select prospective jurors. In order to satisfy the goal of equity in the juror selection process, source lists must be representative of the eligible population and sufficiently inclusive to permit a wide distribution of the burden of jury service. The proportion of eligible citizens whose names appear on the source list (i.e., the source list coverage) is a measure of its inclusiveness. Moreover, other things being equal, the likelihood that a particular list adequately represents

the eligible population varies directly with the size of the list. Therefore, source list coverage is a rough measure of representativeness.

Table 4-1 presents source list coverage data for the twenty participating courts in 1976; the upper city named, within a state, indicates the location of the demonstration court, the lower identifies the comparison court. The percentage covered is calculated on the basis of the population of persons 18 years or older and the number of persons whose names appear on the voter registration lists in each jurisdiction. This method of estimation is subject to a number of errors. First, not all residents of a jurisdiction who are 18 years or older are eligible to serve on juries (e.g., noncitizens and convicted felons). Second, in some jurisdictions the geographical area included in the population data is not contiguous with the jurisdictional boundaries. Third, the number of names on the source list is assumed to be equal to the number of names on the voter registration list, even though one jurisdiction (Louisville) supplemented the voter registration lists with names from tax rolls. Nevertheless, the source list coverage figures in Table 4-1 serve as a reasonable estimate of the inclusiveness of each jurisdiction's source list as of 1976, immediately prior to the implementation of the Demonstration Program.

The source list coverage in the twenty courts ranged from

Table 4-1
Source List Coverage in 1976

State	Court	Source List	Source ^a List Size	Approximate ^b Eligible (18+) Population	Source List Coverage(%)
Arizona	Phoenix	Voter Registration	545,163	829,326	65.7
	Tucson		205,115	305,894	67.1
Connecticut	Hartford	Voter Registration	443,875	578,899	76.7
	Waterbury		410,883	538,522	76.3
Kentucky	Louisville	Voter Registration	347,384	484,532	71.7
	Lexington	and Tax Lists	85,848	132,379	64.8
Missouri	Clayton	Voter Registration	559,905	661,908	84.6
	St. Louis		227,000	336,440	67.5
New Jersey	New Brunswick	Voter Registration	300,093	409,487	73.3
	Elizabeth		286,216	382,616	74.8
Ohio	Akron	Voter Registration	273,000	372,488	73.3
	Dayton		250,000	413,379	60.5
Pennsylvania	Media	Voter Registration	334,541	415,333	80.4
	Norristown		323,586	449,248	72.0
Texas	Dallas	Voter Registration	740,000	934,580	79.2
	Fort Worth		341,611	498,114	65.6
Utah	Salt Lake ^c	Voter Registration	321,512	336,894	95.4
	Provo ^d		103,566	119,194	86.9
Washington	Spokane	Voter Registration	173,376	210,912	82.2
	Seattle		147,524	177,555	83.1

^aSource: State Election Commissions of the respective states. All figures are for 1976 and include voter registration figures only.

^bSource: Sales and Marketing Management 1976 Survey of Buying Power.

^cIncludes only Salt Lake and Tooele Counties of the Third Judicial District.

^dIncludes only Utah, Uintah and Wasatch Counties of the Fourth Judicial District.

60.5 percent in Dayton to 95.4 percent in Salt Lake City. The mean source list coverage for the demonstration courts was 78.3 percent; the mean coverage for the comparison courts was 71.9 percent. In seven of the ten states, the demonstration court had better coverage than the comparison court. Thus, prior to the implementation of the Demonstration Program, the demonstration courts as a whole exhibited greater inclusiveness of their source lists than did the comparison courts.

The standard of 85 percent source list coverage has been set as a goal for the demonstration courts (Note 1). Only three courts (Salt Lake City, Provo, and Clayton) met this standard prior to implementation of the program. Except where a court has supplemented its source list during the period of the Demonstration Program (see Section 4.2.3 below), there is little reason for the source list coverage to change substantially in any demonstration or comparison court.

4.2.2 Primary Source List

The choice of a primary source list is the threshold decision affecting the representativeness and inclusiveness of jury selection. Property tax rolls substantially underrepresent women, racial minorities, and poor persons. Voter registration lists tend to underrepresent racial minorities, poor persons, and young adults. Drivers license lists are thought to be the most representative and inclusive of the

commonly used source lists.

Other factors besides representativeness and size must be taken into account when choosing a source list. First, the list must be readily available to the court. Federal income tax, social security, and census lists are highly inclusive and representative, but they are confidential. The source list also should contain as few ineligible persons as is reasonably possible. For example, convicted felons, who generally are ineligible to serve on juries or vote, are usually not prohibited from operating motor vehicles. Thus, the use of a drivers license list as the primary source list is likely to result in a number of ineligible persons being sent qualification questionnaires who would not be sent them if voter registration lists were the sole source. Many lists include business organizations and/or minors. The recency of the list also affects the number of ineligible persons whose names are selected. Property tax rolls, for example, are notorious for their inclusion of persons long dead. A final pragmatic consideration, for those courts that have computerized jury selection processes, is whether the list is available in machine-readable form.

The initial constraint upon the choice of a source list is usually statutory. The source lists in the ten states involved in this evaluation are presented in Table 4-2.

Table 4-2

Statutory Designation of Source Lists

State	Source List Designated
Arizona	Voter Registration
Connecticut	Voter Registration
Kentucky	Voter Registration and Property Tax
Missouri	None
New Jersey	None
Ohio	Voter Registration
Pennsylvania	Voter Registration
Texas	Voter Registration
Utah	Voter Registration
Washington	Voter Registration

Of the ten states of the participating courts, only Missouri and New Jersey have not designated the primary source list by statute. Of the eight states in which the legislatures have specified the primary source list, seven specify the voter registration lists and one (Kentucky) specifies a combination of voter registration lists and property tax rolls. None of these statutory provisions were changed during the course of the demonstration project.

All four courts (Clayton, St. Louis, New Brunswick, and Elizabeth) in the two states in which the primary source list is not statutorily designated used voter registration lists at the beginning of the Demonstration Program. None of these courts changed its primary source list, although Clayton supplemented the voter registration list with the drivers license list.

4.2.3 Source List Supplementation

By supplementing the primary source list with another list or lists, a court can enhance the size and, if the right list is chosen, the representativeness of the pool of names from which jurors are eventually drawn. Although constitutional attacks on the exclusive use of voter registration lists have been unsuccessful,⁵ a number of organizations have advocated supplementation. The National Conference of Metropolitan Courts' Model Jury Selection and Service Act provides for the supplementation of voter registration lists with lists of licensed drivers, motor vehicle registrants, utility customers, state income taxpayers, and property taxpayers.⁶ Likewise, the Uniform Jury Selection and Service Act, promulgated by the National Conference of Commissioners on Uniform State Laws, requires that voter registration lists be supplemented with other lists.⁷ The American Bar Association's Commission on Standards of Judicial Administration made the following recommendation:

Names for petit and grand jury service should be selected from multiple lists whose combination yields as broad a current census of the citizenry of the jurisdiction as practical and which minimizes duplication of names to the extent possible.
(Solomon, 1975)

When deciding whether to supplement a primary source list, a court should, of course, consider the possible benefits and costs. The potential benefit of supplementation is determined partly by the degree of coverage of the primary list. If the

primary list is highly inclusive, relatively few names will be added by supplementation. The standard of 85 percent coverage may serve as a rule of thumb. Additionally, the court must consider whether, apart from the degree of coverage, supplementation is likely to enhance the representativeness of the source list. Supplementing a voter registration list that mildly underrepresents racial minorities, poor persons and young adults with a property tax assessment list that grossly underrepresents women, racial minorities, poor persons and young adults will detract from the representativeness of the source list.

Source list supplementation involves substantial costs. Court personnel must combine lists and eliminate duplicate names. If the selection process is automated, the merging of lists can be accomplished by means of a computer. Nevertheless, not all duplicate names can be eliminated mechanically. The resultant personnel costs are substantial. To the extent that duplicate names remain in the combined list, persons whose names appear on both lists have a greater chance of being selected than do those whose names appear on only one list. This, of course, may impair representativeness. The other type of error also is problematic, although less frequent; the mistaken removal of non-duplicates creates an additional bias.

The choice of a particular list with which to supplement the primary list should be made after consideration of the same

factors that are relevant to the choice of a primary list: representativeness, size, availability, inclusion of ineligible persons, and type of medium (machine-readable or not). In addition to these factors, the court must consider the degree to which the supplementary list duplicates the primary list. For example, it would be unwise to supplement a drivers license list with a list of motor vehicle registrants because nearly everyone whose name appears on the list of registrants is licensed to drive.

There are often statutory constraints upon a court's ability to supplement. Table 4-3 specified the relevant statutory constraints in each of the ten states involved in this evaluation.

Table 4-3
Statutory Provisions Regarding Supplementation

State	Required	Expressly Permitted	Implicitly Permitted	Not Permitted
Arizona				X
Connecticut				X
Kentucky	X			
Missouri			X	
New Jersey			X	
Ohio		X		
Pennsylvania		X		
Texas				X
Utah		X		
Washington				X
Total	1	3	2	4

In four of the ten states (Arizona, Connecticut, Texas, and Washington), supplementation is statutorily precluded. The Arizona legislature, however, has enacted legislation, which takes effect June 1, 1980, requiring supplementation of the voter registration list with the drivers license list and permitting supplementation with other lists. Officials from the Phoenix Court assisted in drafting the legislation and testified on its behalf. Thus, the Demonstration Program is partly responsible for its passage.

Supplementation is now permitted, either expressly or implicitly, in five additional states. Kentucky currently requires supplementation of the voter registration list with the property tax list, despite the unrepresentativeness of property tax lists.

During 1979 the Utah legislature passed a comprehensive jury selection and service act that permits the Utah Supreme Court to prescribe the use of supplementary lists. The legislation does not allow individual trial courts to supplement in the absence of an order by the Supreme Court.

Source list supplementation is statutorily permissible in New Jersey, but effective control over supplementation resides in the State Administrative Office of the Courts, which has not mandated it thus far.

The Ohio statute, which is slightly ambiguous, has been interpreted by court personnel in Akron to preclude supplementation. Although a fair reading of the statute⁸ would permit supplementation by order of the trial court, the ambiguity appears to have been sufficient to deter court personnel from considering supplementation.

Of the eight participating courts that were legally free to supplement their source lists, only one (Clayton) actually did so. Ironically, Clayton had one of the highest coverage percentages prior to supplementation; i.e., 84.6 percent. Thus, rounding to the nearest percent, Clayton already met the standard of 85 percent coverage; yet it chose to supplement the voter registration list with the drivers license list in order to achieve greater representation of young adults, racial minorities, and poor persons. Clayton Court personnel report that their new master list, which is a combination of the voter registration and drivers license lists, includes 766,000 names, of which an estimated 10 to 20 percent are duplicates. Assuming 20 percent duplication, the list contains 612,800 non-duplicate names, providing the Clayton Court new source list coverage of 93 percent. (In computing this coverage estimate, it has been assumed that the jurisdiction's population of eligible persons has remained unchanged.) Thus, supplementation improved source list coverage by 8 percentage points.

Difficulties attended Clayton's supplementation effort.

Some duplicate names were removed by computer, but others had to be removed manually. The remaining duplicates, reportedly 10 to 20 percent of the combined list, result in a selection bias in favor of persons who are both registered to vote and licensed to drive. Additional problems result from the drivers license list's inclusion of non-residents and convicted felons. Because drivers are required to renew their licenses only every three years, the drivers license list is less recent than the voter registration list. Despite the attendant difficulties, however, court officials report that they are pleased with the results of their efforts. Enhanced representativeness, they say, has been worth the cost. Clayton's source list supplementation is clearly a result of its participation in the Demonstration Program.

Beginning in January 1978, the Lexington court supplemented the voter registration list with the property tax list. Compliance with the statutory provision requiring the use of the property tax list, however, has been minimal. In light of the inadequacies of property tax lists as sources of names of prospective jurors, whole-hearted compliance probably would not be beneficial.

In summary, the Demonstration Program resulted in source list supplementation in only one court, despite the fact that three demonstration courts had the authority to supplement under existing law. Of the three courts with legal authority

to supplement, only the court that supplemented met the source list coverage standard of 85 percent at the outset of the program. Two other demonstration courts were instrumental in amending their states' statutes to permit source list supplementation.

4.2.4 Court Personnel Perceptions of Source List Representativeness

Table 7-2 below (see Section 7.0, "Perceptions of Court Personnel") presents the results of a questionnaire given to court personnel during the first and third observation points, which correspond to the initiation and conclusion, respectively, of the Demonstration Program. Judges, court administrators and clerks were asked the following question: "Do the source and master jury lists contain a representative group of citizens?" During the initiation of the program, 4.9 percent of the 64 demonstration court personnel queried answered "very good," while 55.7 percent said "adequate" and 39.3 percent said "improvement needed." During the same period of time, 15.4 percent of the 28 comparison court personnel queried answered "very good," while 69.2 percent said "adequate" and 15.4 percent said "improvement needed." Thus, at the outset of the Demonstration Program, the comparison court personnel's perceptions of source list representativeness was somewhat more favorable than those of the demonstration court personnel, but both groups were generally favorable.

At the conclusion of the Demonstration Program, both

groups reported more favorable impressions than had been reported at the beginning of the program. Of 37 demonstration court personnel queried during the third observation, 44.4 percent answered the same question "very good," 25.0 percent answered "adequate," and 30.5 percent answered "improvement needed." Of the 24 comparison court personnel queried, 54.2 percent answered "very good," 37.5 percent answered "adequate," and 8.3 percent answered "improvement needed." Thus, court personnels' perceptions of the representativeness of their source lists generally became more favorable by the end of the Demonstration Program, but this was true for demonstration and comparison courts as well. Moreover, comparison court personnel remained more sanguine than their demonstration court counterparts. Inasmuch as demonstration court personnel participated in a program that made them aware of possible deficiencies in their source list coverage, this difference may be attributable to participation in the Demonstration Program rather than any real differences in representativeness.

The results presented above should be interpreted with caution for two major reasons. First, the court personnel queried during the first observation are not identical to those queried during the third observation. Second, different numbers of persons were queried in each court, and the results have not been weighted to adjust for this.

4.3 Method of Selection

4.3.1 Non-discrimination

Juror selection practices that systematically exclude women or racial minorities constitute reversible error under the U.S. Constitution.⁹ Legislative prohibitions of discriminatory selection practices are one way to make explicit the policy against such discrimination. The Federal, Uniform, and Model Jury Selection and Service Acts each contain such a prohibition.¹⁰

Table 4-4 indicates which of the ten evaluation states had statutory non-discrimination provisions at the beginning of the demonstration.

Table 4-4
Statutory Non-discrimination Provisions
January 1977

State	Statutory Non-discrimination Provision	No Statutory Non-discrimination Provision
Arizona		X
Connecticut		X
Kentucky	X	
Missouri		X
New Jersey	X	
Ohio	X	
Pennsylvania	X	
Texas		X
Utah		X
Washington		X
Total	4	6

Of the ten states involved in the evaluation only four had statutory non-discrimination provisions at the outset of the demonstration program. During the course of the program, only Utah adopted such a provision. Utah's enactment of its anti-discrimination requirement is attributable to the Demonstration Program inasmuch as it is a part of the new Jury Selection and Service Act which was drafted by personnel in the Salt Lake City court.

4.3.2 Randomization

The U.S. Supreme Court has articulated the principle that criminal defendants are constitutionally entitled to juries that are selected from representative cross-sections of the community. Strictly speaking, the representative cross-section requirement is dictum. Moreover, the Court concedes that the "fair cross-section principle must have much leeway in application"¹¹ and does not require perfectly designed statistical sampling procedures. Nevertheless, random sampling from a representative source list is the surest way to comply with the constitutional standards. Ideally, there should be no step in the jury selection process that involves the selection of names from a list or wheel by non-random means. This does not require, however, that randomization procedures should be employed at every step. Once a random selection has been made, the resulting list may be reduced by selecting names in the random order in which they were drawn initially. This avoids the possibility of subjectivity

or bias entering into the selection process while minimizing costs.

The statutory status of randomized selection procedures in the ten evaluation states at the beginning of the Demonstration Program is presented in Table 4-5.

Table 4-5
Statutory Status of Randomized
Selection Procedures
January 1977

State	Completely Random	Not Completely Random
Arizona	X	
Connecticut		X
Kentucky	X	
Missouri		X
New Jersey		X
Ohio	X	
Pennsylvania	X	
Texas	X	
Utah		X
Washington	X	
Total	6	4

Statutes in six of the ten states specified random or quasi-random selection procedures insofar as there were no steps involving the selection of names from a list or wheel on a non-random or non-quasi-random basis. ("Quasi-random" includes random-start fixed interval procedures, which are treated the same as random procedures for purposes of Table 4-5.) Pennsylvania also is included in this category, despite

its statutory specification of a defective quasi-random procedure. Under the Pennsylvania statutes, every twentieth name was selected, beginning with the first name on the list. This procedure is liable to bias according to the order of the list when more or fewer than one-twentieth of the names on the list are selected.

Of the four remaining states, one expressly permitted discretionary selection decisions, two required discretionary selection decisions, and one was sufficiently unspecific that it would permit discretionary decisions. In New Jersey the assignment judge was expressly authorized to eliminate names of prospective jurors at his or her discretion. Utah and Connecticut mandated discretionary decisions by requiring that jurors meet vague standards of intelligence, reputation, and sobriety. Connecticut's statutes were sufficiently unspecific as to permit the exercise of discretion in the creation of lists of eligible persons when selection is not done by computer.

Of the ten states, only Utah modified its statutory selection procedure. The new Utah Jury Selection and Service Act expressly requires the use of random selection procedures. Thus, statutory selection procedures in three of the ten states remain discretionary, and those in one other state are technically defective although nominally quasi-random.

Of the twenty courts participating in this evaluation, only two employed essentially non-random steps in their selection processes at the initiation of the Demonstration Program. In Lexington, a comparison court, the jury commissioners selected names from the source list without a bona fide random or quasi-random procedure. The New Brunswick Court employed a quasi-random procedure that contained an alphabetical bias. During the course of the Demonstration Program, New Brunswick, a demonstration court, revised its selection procedures to eliminate the alphabetical bias. Thus, the overwhelming majority of the courts used adequately unbiased selection procedures at the outset of the Demonstration Program. The one court that improved its selection procedures was a participant in the program.

4.3.3 Automation of Selection

Although manual selection methods can be random, and computerized selection methods need not be random, computerization of the selection process reduces the likelihood of non-random factors entering into the selection process. The status of computerization of the selection processes in the twenty participating courts at the beginning of the Demonstration Program is summarized in Table 4-6.

Table 4-6

Computerization of Selection Process
Prior to Demonstration Program
January 1977

State	Court	Partly Computerized	Not Computerized
Arizona	Phoenix (D)	X	
Arizona	Tucson (C)	X	
Connecticut	Hartford (D)	X	
Connecticut	Waterbury (C)	X	
Kentucky	Louisville (D)		X
Kentucky	Lexington (C)		X
Missouri	Clayton (D)	X	
Missouri	St. Louis (C)		X
New Jersey	New Brunswick (D)	X	
New Jersey	Elizabeth (C)	X	
Ohio	Akron (D)		X
Ohio	Dayton (C)		X
Pennsylvania	Media (D)	X	
Pennsylvania	Norristown (C)	X	
Texas	Dallas (D)	X	
Texas	Fort Worth (C)	X	
Utah	Salt Lake City (D)	X	
Utah	Provo (C)	X	
Washington	Spokane (D)	X	
Washington	Everett (C)	X	
Total		15	5

At the initiation of the project, eight demonstration courts and seven comparison courts used a computer for some but not all of the steps in the selection process. Thus, the demonstration courts on the whole began with a slight technological edge over the comparison courts. No court, however, had fully computerized its selection process at the outset.

Changes in the status of computerization in the twenty participating courts are presented in Table 4-7. Only

changes that occurred during the course of the Demonstration Program are included.

Table 4-7

Changes in Computerization of Selection Process During Demonstration Program

State	Court	Fully Comput- erized	Partly Comput- erized	No Change
Arizona	Phoenix (D)	X		
Arizona	Tucson (C)			X
Connecticut	Hartford (D)			X
Connecticut	Waterbury (C)			X
Kentucky	Louisville (D)		X	
Kentucky	Lexington (C)		X	
Missouri	Clayton (D)	X		
Missouri	St. Louis (C)			X
New Jersey	New Brunswick (D)			X
New Jersey	Elizabeth (C)			X
Ohio	Akron (D)			X
Ohio	Dayton (C)			X
Pennsylvania	Media (D)	X		
Pennsylvania	Norristown (C)	X		
Texas	Dallas (D)			X
Texas	Ft. Worth (C)			X
Utah	Salt Lake (D)			X
Utah	Provo (C)			X
Washington	Spokane (D)	X		
Washington	Everett (C)			X
Total		5	2	13

Seven of the twenty participating courts computerized their selection processes, either fully or partly, during the course of the Demonstration Program. Five of the seven courts were demonstration courts. Of the five courts that fully computerized their selection processes, four were demonstration courts. Among comparison courts, only Norristown

fully computerized its selection process.

Computerization typically is accomplished either by acquisition of a mini-computer or by use of the general county mainframe computer. Of the five courts that fully computerized their selection processes, Phoenix and Media, demonstration courts, obtained mini-computers with Demonstration Program funding. The other three courts with fully computerized selection (Clayton, Norristown, and Spokane) tied into the county mainframe computer.

Although the Salt Lake Court did not computerize its selection process during the Demonstration Program, it is proceeding with plans to computerize fully by 1980. These plans appear to be partly an outgrowth of the Demonstration Program.

Fully or part computerization of the selection process in five of the ten demonstration courts must be regarded as one of the more significant accomplishments of the Demonstration Program. Both the equity and the efficiency of the selection processes were enhanced as a result.

4.4 The Screening Process

4.4.1 The Nature of the Screening Process and its Effect on Equity in the Selection Process

In contrast to the arbitrary (random or otherwise) selection of names from lists, the screening process is explicitly purposive. Screening usually has at least three components: qualification, exemption, and excuse. Qualifications are attributes that a person must have in order to be eligible for jury service. An exemption generally refers to an attribute, usually occupational, that relieves a qualified person of the duty to serve. Prospective jurors can be excused from serving during a particular term, usually on account of hardship.

Of course, decisions whether to disqualify, exempt, or excuse a prospective juror must be made by a human rather than a machine. To the extent that these decisions involve the exercise of discretion, they may impair the representativeness of the selection process. Explicit and objective decision criteria reduce the probability of bias. Screening decisions also necessarily diminish the pool of prospective jurors, thus reducing the inclusiveness of the selection process. Numerous and over-inclusive grounds for disqualification, exemption, and excuse exacerbate the problem.

4.4.2 Qualification

Not everyone is eligible to serve on a jury. Juror qualifications are established by state statute. Jurors ordinarily must be citizens, residents of the jurisdiction in which they are to serve, no less than a minimum age (usually 18 or 21 years), and able to speak English. In some states prospective jurors must meet additional criteria of a more subjective nature.

At the beginning of the Demonstration Program, Connecticut statutes required jurors to be "esteemed in the community as persons of good character, approved integrity, sound judgement, and fair education."¹² Similarly, Texas required its jurors to be "of good moral character"¹³ and Utah required its jurors to be "of sound mind and discretion."¹⁴ In none of the other seven states did the statutes contain like provisions. By the end of the Demonstration Program, Connecticut and Utah had legislatively eliminated these vague, subjective criteria. Both the Utah amendment and the Connecticut amendment are attributable to the Demonstration Program. The Utah amendment was part of the new Jury Selection and Service Act. The Connecticut State Jury Administrator's office drafted and testified on behalf of Connecticut's amendment.

4.4.3 Exemption

State legislatures traditionally have exempted certain

classes of persons from jury duty. Exemptions usually are based on a person's occupation. Statutes in many states exempt law enforcement officers, firefighters, state and local government employees, physicians, lawyers, judges, and teachers. Even bridgetenders, ferrymen, and operators of telephones and telegraphs have been declared exempt in some states. Old persons, usually over 65 or 70 years, are exempt in many states, as are women having custody of minor children. Indeed, in 1978 the U.S. Supreme Court struck down a Missouri statute that exempts all women from jury duty.¹⁵

Both the National Conference of Commissioners on Uniform State Laws and the National Conference of Metropolitan Courts recommend the abolition of all class exemptions in order to enhance the representativeness, inclusiveness and efficiency of the jury selection process.¹⁶ At the initiation of the Demonstration Program, eight of the ten evaluation states provided for class exemptions. Only Ohio and Pennsylvania did not have such provisions. By the end of the program, Arizona, Kentucky, and Utah had abolished class exemptions, bringing the number of states with class exemptions down to five. Utah's amendment was part of the new Jury Selection and Service Act.

4.4.4 Excuse

State statutes typically provide for persons to be excused from jury duty in situations where service would

constitute a hardship. Statutes vary from liberal to stringent. Liberal grounds for excuse from jury service reduce the inclusiveness and possibly the representativeness of the jury selection process. In order to minimize this problem the National Conference of Commissioners on Uniform State Laws and the National Conference of Metropolitan Courts have recommended that the sole grounds for excuse be undue hardship, extreme inconvenience, and public necessity.¹⁷

Of the ten states involved in this evaluation, none precisely conformed to the two Conferences' recommendations at the beginning of the project. Kentucky and Pennsylvania, however, permitted excuses only for undue hardship or extreme inconvenience, although not for public necessity. Utah formerly permitted excuses only to avoid material harm to property, or when required for the health of the prospective juror or his family. The new Utah Jury Selection and Service Act follows the recommendations of the two Conferences and permits excusal on the grounds of undue hardship, inconvenience, or public necessity. No other state modified its excuse criteria during the period of the Demonstration Program.

4.5 The Relationship of Jury Selection Process Yield to Equity

Given an adequate source list and random selection procedures, the representativeness of jury panels will be determined by the results of the summoning and screening processes. Undeliverable summonses, failures to answer

summons, disqualifications, exemptions, and excuses may tend to eliminate certain legally cognizable classes of persons such as women, racial minorities, and the poor. To this extent, the exclusions that occur as a result of summoning and screening will detract from the representativeness of jury panels.

The jury selection process yield is the number of persons who report for service expressed as a percentage of the number of persons who have been selected from the master list for summoning. (In jurisdictions where qualification questionnaires are sent before summoning, the yield is expressed as a percentage of the number of persons sent qualification questionnaires.) A low yield indicates that a large proportion of those persons selected from the master list have been excluded as a result of summoning and screening. Conversely, a high yield indicates inclusiveness in the summoning and screening process.

The average selection process yield percentages for the ten demonstration and ten comparison courts at four observation points are presented in Table 5-1 in the following section (see Section 5.0, "Efficiency and Economy"). The comparison courts consistently averaged slightly higher yields than the demonstration courts, but there were no striking trends or differences in either group's average yield percentages over time.

The yield data indicate that neither the demonstration courts nor the comparison courts generally enhanced the equity of the selection process by increasing the selection yield. Moreover, it is clear that usually only one out of every three persons whose names are selected actually is available for service on juries. This filtering involves great potential for loss of representativeness. Of course, the fact that two out of every three persons are excluded does not necessarily imply unrepresentativeness. The remaining prospective jurors may be wholly representative of the eligible population, either because the selection process was effectively unbiased or because biases in the selection process compensated for countervailing biases in the source list. Nevertheless, the vagaries of the selection process make it unlikely that litigants will have the opportunity to select jurors from an array that is truly representative of the eligible population.

5.0 EFFICIENCY AND ECONOMY

- o Both the demonstration courts and comparison courts improved the efficiency of juror usage during the period from January 1977 to May 1979. An average reduction in the Juror Usage Index of 4.1 among the demonstration courts, compared favorably to a reduction of 1.7 among the comparison courts over the same period. The Juror Usage Index shows great variability across courts and measurement points. Conclusions based upon this Index should be made guardedly.
- o Estimated annual dollar savings in juror fees paid by the courts, based on improvements in juror usage exceed \$400,000 for all the demonstration courts and \$100,000 for all the comparison courts.
- o Greater efficiencies in the selection of prospective jurors, as measured by the yield of jurors obtained by the selection procedures of the courts, have not been demonstrated. Consistently from 1977 to 1979 an average of only one-third of the prospective jurors contacted by both the comparison and demonstration courts actually served in the courts. None of the twenty participating courts achieved and maintained the minimum standard of 50 percent yield established by the Demonstration Program.

The goal of efficiency encompasses savings to the court, the juror and the community, and generally is achieved by means of improved jury system administration. Economy as a goal refers not only to savings in monetary costs, but also to conservation of human, administrative and technical resources in the courts and community, and a reduced burden on the juror.

Two general measures of efficiency have been used to evaluate the jury operations of the courts - the selection

yield and juror utilization. The first, the yield of the selection process, suggests the degree of success the court has in securing the services of the eligible jurors, ready, willing and able to serve, identified in a source list. The second measure, juror utilization gauges a court's ability to use those, and only those, jurors actually needed to hear scheduled jury trials. Together, the measures of selection yield and juror utilization provide an overall general indication of the efficiency of a court's jury operations.

5.1 Selection Yield

The "yield" of jurors is a quantitative measure of the selection process. The yield as a measure of effectiveness is based on the number of prospective jurors who report for jury service in proportion to the number of prospective jurors contacted in the selection process. The yield is calculated both at the qualification phase and the summoning phase; the product of the two figures provides the overall selection process yield for a term of jury service. In a court with a direct summoning operation, the overall yield is equal to the summoning process yield.

$$\text{Overall Yield} = \frac{\text{Number of Prospective Jurors Qualified}}{\text{Number of Qual. Quest. Mailed}} \times \frac{\text{Number of Jurors Serving}}{\text{Number of Summonses Sent Out}}$$

Table 5-1 shows the selection yields for the demonstration courts and comparison courts at four observation periods,

Table 5-1
 Selection Yields of Demonstration
 and Comparison Courts at Four Observation Points^a

Demonstration	Observations				Mean
	O ₁	O ₂	O ₃	O ₄	
Phoenix	32.0	33.2	33.3	31.2	32.4
Hartford	18.1	22.8	28.0	25.0 ^b	23.5
Louisville	36.6	32.3	31.8	32.0 ^b	33.2
Clayton	23.0	23.3	23.9	23.7	23.5
New Brunswick	17.5	13.5	12.9	14.6 ^b	14.6
Akron	26.1	27.8	27.6	25.9	26.9
Media	22.4	26.4	27.3	28.7	26.2
Dallas	28.8	24.0	32.6	38.7	31.0
Salt Lake	52.6	53.8	49.6	40.0 ^b	49.0
Spokane	24.8	26.1	31.0	29.8	27.9
Mean	28.2	28.3	29.8	29.0	
Range	17.5-52.6	13.5-53.8	12.9-49.6	14.63-40.0	

Comparison	Observations				Mean
	O ₁	O ₂	O ₃	O ₄	
Tucson	50.7	--	47.4	41.2	46.4
Lexington	64.7	63.0	42.8	64.8	58.8
St. Louis	16.9	15.6	19.5	42.4	23.6
Elizabeth	15.4	--	12.2	13.8 ^b	13.8
Dayton	26.6	--	30.0	30.0 ^b	28.9
Norristown	27.1	23.4	24.8	25.0	25.1
Ft. Worth	47.3	40.9	41.6	40.3	42.5
Provo	37.8	--	33.6	33.9	35.1
Everett	29.8	24.2	40.5	43.8	34.6
Mean	34.1	33.4	30.8	35.5	
Range	15.4-50.7	15.6-63.0	12.2-47.4	13.8-64.8	

Notes:

- ^a O₁ - January 1977
- O₂ - September 1977
- O₃ - August - October 1978
- O₄ - March - May 1979

- ^b Estimated

January 1977, September 1977, August 1978, and March 1978. The mean yields of both groups changed very little from 0₁ to 0₄, maintaining a yield of approximately one-third of the prospective jurors in the selection process.

A comparison of variations in the selection yields of individual courts that made modifications in their selection process (see Section 3.0, "Changes in Jury System Operations") suggests that the individual court's yield variations cannot be attributed to specific changes in the selection or screening processes, both of which bear on selection yields. The St. Louis Court, for example, showed a dramatic increase in the selection yield, from an average 17.3 percent over the first three observation periods to 42.4 percent at 0₄, an improvement of over 200 percent, with no corresponding change in their selection or screening processes. Conversely, the Phoenix Court maintained approximately the same yield over the course of the four observations, even though all class exemptions were eliminated in Arizona.

Only the Dallas Court, among the demonstration courts, and the St. Louis Court and Everett Court among the comparison courts, showed increases in selection yield exceeding ten points. Little correlation exists between the number of modifications initiated by the courts in selection and screening and improvement in yield (see Section 3.0, especially Table 3-1). Further, in terms of overall efficiency, only the selection yields of the Salt Lake Court among the demonstration courts and Lexington among the comparison courts approach the

standard of 50 percent yield, i.e., one out of two prospective jurors identified eventually serves in the court, established as the minimum criterion for adequate selection yield for the Demonstration Program.

5.2 Juror Usage

The Juror Usage Index (JUI) is a general measure approximating the efficiency with which the court utilizes and manages its jurors. It is used by all United States District Courts as mandated by the Administrative Office of the United States Courts. The use of the JUI (or similar measures of juror utilization efficiency) is increasing among state courts.

The JUI is the total number of jurors available per month (or three-month jury term) in proportion to the total number of jury trials per month. It is based on a twelve jury member standard. If six member juries are used the JUI is appropriately adjusted. Thus:

$$\text{JUI} = \frac{\text{Number of Jury Days}}{\text{Number of Trial Days}}$$

While actual values of the JUI are relatively meaningless by themselves, some standards and norms may place the JUI data reported in a meaningful context. At its simplest level, because the JUI is based on a twelve member jury, if twelve jurors are available to serve one trial, a JUI of twelve is computed, i.e., twelve divided by one. A JUI greater than twelve indicates jurors available in the court

but not actually hearing trials, i.e., those serving on panels who are challenged or not reached, as well as those simply not serving on panels or trials. A JUI less than twelve, an extremely rare occurrence, indicates that some jurors have served on more than one trial during a day. A more useful standard for the JUI may be the ratio of those jurors actually serving on trials and those on the panels not reached during voir dire. For example, an optimum low standard might be a JUI of 18, i.e., twelve jurors serving on a trial plus six jurors challenged or not reached during voir dire, for a total of 18 jurors available for one day. A JUI that exceeds this lower standard considerably, e.g., a JUI of 30, is cause for considering inefficiencies in juror utilization.

Table 5-2 compares the Juror Usage Indices for the demonstration courts and comparison courts for the four observation periods. Assuming that the difference between the JUI at O_1 or the first observation (the "before" measure in January 1977) and the JUIs for O_2 through O_4 indicate changes in juror usage, the mean juror usage of both the demonstration courts and the comparison courts improved from 1977-1979. The mean JUI of the demonstration courts at O_1 is 32.17, and the average of the means at O_2 , O_3 , and O_4 is 28.06 - a 4.11 reduction in the JUI. For the comparison courts the comparable figures are 31.35 and 29.65 - a JUI reduction of 1.70. Based on these mean reductions, greater juror utilization improvement in the demonstration courts has been achieved when compared to that in the comparison courts.

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1 OF 3

Table 5-2

Juror Usage Indices (JUI) for
Demonstration and Comparison Courts

Demonstration Courts	January 1977 (0 ₁)	September 1977 (0 ₂)	August 1978a (0 ₃)	March 1979b (0 ₄)	Mean
Phoenix	19.96	19.05	21.09	19.47	19.89
Hartford	60.16	50.25	66.66	68.27	61.64
Louisville	25.41	30.28	31.40	21.35	27.11
Clayton	26.38	22.10	28.86	27.73	26.27
New Brunswick	31.43	24.01	27.09	-----	27.51
Akron	-----	18.32	17.62	17.44	17.79
Media	34.82	41.61	-----	32.70	36.38
Dallas	45.87	20.69	23.52	24.31	28.60
Salt Lake	28.34	24.08	31.00	19.38	25.70
Spokane	17.14	19.85	17.90	18.53	18.36
Mean	32.17	27.02	29.46	27.69	28.93
Range	17.14-60.16	18.32-50.25	17.62-66.66	17.44-68.27	17.79-61.64
Median	28.34	23.25	27.09	21.35	26.69
<hr/>					
Comparison Courts					
Tucson	24.01	21.93	21.93	22.63	22.63
Waterbury	-----	-----	-----	-----	-----
Lexington	33.10	29.28	31.48	31.57	31.36
St. Louis	45.97	58.31	28.91	28.02	40.30
Elizabeth	-----	-----	34.71	-----	34.71
Dayton	-----	-----	-----	-----	-----
Norristown	-----	47.28	-----	29.99	38.63
Ft. Worth	-----	-----	28.20	-----	28.20
Provo	33.67	-----	33.60	27.40	31.56
Everett	20.00	19.18	15.60	16.00	17.70
Mean	31.35	35.20	27.78	25.94	30.64
Range	20.00-28.34	19.18-58.31	15.60-34.71	16.0-31.57	17.70-40.30
Median	33.10	29.28	28.91	27.71	31.46

^aAugust-October 1978

^bMarch-May 1979

A casual glance at Table 5-2, however, is all that is needed to see that this measure contains much variability and shows little consistency in level or trend. This indicates that the means should not be considered strong evidence about the phenomenon under study; that is, the conclusions reached about juror utilization based on these data should be considered as speculative.

Several other aspects of the data are noteworthy. Only Phoenix, Akron and Spokane among the demonstration courts, and Everett among the comparison courts, exhibited mean JUIs below twenty, the standard of achievement established by NILECJ for efficient usage. The Dallas Court, a demonstration court, shows a dramatic improvement in juror usage, an improvement coinciding with the major overhaul of their jury system to a one day/one trial operation. Yet, paradoxically, the St. Louis Court, a comparison court, shows equally dramatic improvement in the JUI with no apparent modifications of the jury operations from 1977-1979 (see Section 3.0, "Changes in Jury System Operations"). Again, the best conclusion may be that no firm conclusion about juror utilization can be extracted from these data.

5.3 Costs

A net social gain results if benefits exceed costs. Williams (1974) has suggested assignments to which court planners may have to commit themselves when they accept the principle that jury systems should be modified only if the

benefits of the modifications outweigh the costs:

- (1) jury system modifications can be separated from one another in a sensible way;
- (2) choices among the modifications, or among modification and no modification, are possible;
- (3) outcomes associated with the modifications can be measured;
- (4) values can be placed on the outcomes;
- (5) costs of each modification can be estimated; and
- (6) costs and benefits can be weighed one against the other.

Even when a commitment to the above assumptions is made, and it is not clear that it can have much meaning in view of the competing goals of jury system improvement (see Section 3.2, "Balances"), answers to the questions, "Who benefits?" and "Who bears the cost?" reflect several points of view:

- (1) the society as a whole;
- (2) the individual juror;
- (3) the individual court; and
- (4) the government and its agents.

The Jury Utilization and Management Demonstration Project was based, at least from the third and fourth point of view, on the economic principle of return on investment. Saving of money remains as the major basis for current reforms in jury operations even though the promise of savings is often much greater than the results achieved by the reforms. The "One Day/One Trial" program in Wayne County, Michigan is illustra-

tive. Annual savings are currently projected at \$300,000 (LEAA Newsletter, Volume 8, Number 5, 13), even though such figures have not be substantiated. On the contrary, most observers seem to agree that a one day/one trial operation does not necessarily save a penny for any court (Center for Jury Studies, 1979).

Are the benefits that result from the demonstration worth the costs involved? Costs and benefits (savings) are computed in terms of dollars. By far the greatest and most obvious cost associated with the presence of jurors in court is the compensation paid to jurors for their service. In larger courts, 75 percent or more of the total costs of the jury system will be jury fees. Cost components for the Phoenix Court in 1977 are illustrative.

Jury Fees	79%
Personnel	13%
Computer Services	4%
Forms, Printing, Mailing, etc.	<u>4%</u>
TOTAL	100%

Another type of juror cost is the administrative expenses of bringing a juror into court and dealing with him while he is there. The cost includes the salaries and fringe benefits of personnel assigned to the jury clerk's office, full-time as well as part-time. It also includes the cost of physical space taken up by the jury lounge and jury clerk's offices and the expenses of the selection process: arranging for voter lists, creating the master and qualified wheels, summoning the jurors, etc.

There are more than court costs involved. The social cost of bringing jurors into court has been estimated at one to two times the court cost. Thus, bringing one juror into court may cost the economy (in terms of lost wages, decreased productivity, etc.) an additional \$25 to \$50 per day per juror.

Cost savings in jury fees only, resulting from improved jury management and utilization can be predicted by the Juror Usage Index. A one-point decrease in the JUI indicates a dollar savings equal to the weighted trial days multiplied by the daily jury fee of the court(s) in question. Using the JUI figures computed for the demonstration courts and comparison courts as a basis for computation, cost savings can be predicted. The average dollar savings per month for the demonstration courts and comparison courts are as follows:

Demonstration Courts

Average Daily Fee	X	Average Trial Days	X	JUI Reductions		= (9.25) X (88.1) X (4.11) = \$3,349
Annual Savings						= \$40,192
Total Annual Savings for All Demonstration Courts						= \$401,920

Comparison Courts

Average Daily Fee	X	Average Trial Days	X	JUI Reductions		= (9.25) X (58.3) X (1.70) = \$917
Annual Savings						= \$11,001
Total Annual Savings for All Comparison Courts						= \$110,010

These predicted cost savings are based on the assumption that JUI reductions calculated as the difference between the mean JUI at O_1 and the mean of the JUIs at O_2 , O_3 , and O_4 (see Table 5-2), accurately predict actual improvement in jury utilization. As mentioned already, however, there is reason to believe that the JUI is not a reliable indicator.

6.0 JUROR ATTITUDES

- o Jurors' attitudes toward jury service are generally and consistently favorable.
- o Jurors' overall impression toward their jury duty, however, is affected by scheduling of their time, parking facilities, eating facilities, loss of income, and prior service.

How do departing jurors feel about various aspects of the system that has managed their stay at the courthouse? One way of obtaining information about the effectiveness and efficiency of a court system is to ask departing jurors to give their impressions of jury service. Using a survey instrument, the "Jury Service Exit Questionnaire" (see Appendix C), jurors in many court systems were asked to rate various aspects of the system (e.g., orientation, personal safety, and parking and eating facilities) and to give their overall impression of jury service. These attitudes and opinions serve as indicators of juror satisfaction or dissatisfaction and call attention to areas in which improvement is needed.

Previous studies have shown that most jurors have very positive attitudes toward the jury system. Pabst, Munsterman, and Mount (1976), for example, discovered that 90 percent of the jurors they surveyed were favorably impressed with jury duty or felt more favorable toward it than they had before their service. Furthermore these positive attitudes were not affected by long periods spent waiting in the jury lounge,

by not being selected as a sworn juror in at least one trial, or by long terms of jury service. Persons selected for jury duty, according to Pabst and his colleagues, apparently enjoy and are impressed by the experience as long as they feel that their time was not wasted and that they were able to contribute something to the system.

Richert (1977), however, has challenged the Pabst et al. findings and has presented evidence that he asserts contradicts their conclusion that low fees and/or lost income have no effect on the willingness of jurors to serve. According to Richert, the frequency of requests for exemptions, "coupled with the force of the messages, suggests that juror fees were indeed consequential" (1977, p. 498). Considering all persons summoned for jury duty, in other words, alters somewhat the finding of overwhelming support for the jury system.

Even if one accepts the contention that jurors have positive attitudes toward the overall jury system, it is clear that they have somewhat negative attitudes toward certain aspects of the system. When asked to rate seven factors (initial orientation, treatment by court personnel, physical comforts, personal safety, parking facilities, eating facilities, and scheduling of time), jurors are most critical of the parking and eating facilities provided for them and of the scheduling of their time. Conversely, they

are least critical of their orientations and of how they are treated by court personnel.

Given jurors' high positive ratings of jury service and their consistent dissatisfaction with only certain elements of the system, it can be questioned whether any changes made in the operation of an individual system (with the exception, perhaps, of the provision of more satisfactory parking and dining facilities) would influence juror attitudes. An analysis of over two thousand Jury Service Exit Questionnaires collected in 16 courts in January 1977, September 1977, and September 1978, revealed few changes between the first, second, and the third data collection periods in either jurors' overall impressions of jury service or their attitudes toward specific aspects of the system. Jurors continue to have positive attitudes toward the jury system and continue to be more critical of the scheduling of their time, parking, and eating facilities than of any other aspects of the system.

Table 6-1 depicts jurors' overall impressions of jury duty at the beginning, midpoint and at the final stage of the Demonstration Project. As indicated by Table 6-1 juror attitudes at the beginning of the project were high and on the average, these attitudes increased slightly during the two-year demonstration project. A few factors that might account for the lack of a more dramatic increase in positive

Table 6-1

Overall Impression of Jury Duty^a
 At Three Observation Points for Demonstration
 and Comparison Courts

Courts	Percent Favorable ^b		
	January 1977 ^c	September 1977	September 1977
Demonstration Courts	85.5	87.7	93.8
Comparison Courts	75.4	83.3	--

Note:

^aQuestion: 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?

^bResponses to Parts A and C of the above question were combined to compute percent favorable.

^cData collection points represented by January 1977, September 1977, and September 1978 were at the initiation of the project, an interim point during the project and at the termination of the project respectively.

juror attitudes include the notion that jurors' overall impressions were sufficiently positive at the beginning of the project (85.5 percent favorable) to preclude any further change (ceiling effects); and, secondly, the attitudes of the small percentage of jurors who were dissatisfied with their experience might be unaffected by structural or operational changes in the jury system.

Table 6-2, showing the percent of responses rating various categories of jury service related to creature comforts, suggests a generally favorable impression of jury service. Three categories were rated relatively more frequently as "poor." Parking facilities, scheduling of juror time and dining facilities were ranked as "poor" by 29.3, 20.7 and 18 percent of the jurors, respectively.

While the jurors' ratings of parking, eating facilities, and time scheduling do not indicate overwhelming dissatisfaction, they are higher than the ratings of "poor" in the other four categories. The ratings in these categories may be more responsive to change and thus might show greater change over time. Table 6-3 specifically plots jurors' attitudes on scheduling of their time, parking, and eating facilities at three observation points and compares the attitudes of those serving in the demonstration courts to those in the comparison courts. There seems to be a small improvement, particularly within the demonstration courts, in the jurors'

Table 6-2

Juror Attitudes in Seven Categories for
Demonstration and Comparison Courts

Category	Good	Adequate	Poor
Treatment	91.5	7.8	.7
Safety	81.0	18.1	1.0
Orientation	78.3	18.9	2.8
Physical Comforts	57.2	35.7	7.1
Parking	42.5	28.1	29.3
Scheduling	41.1	38.2	20.7
Eating	39.5	42.5	18.0

TABLE 6-3

Juror Attitudes About Scheduling of Time, Parking Facilities and Eating Facilities
At Three Observation Points for Demonstration and Comparison Courts

Courts	Scheduling of Time ^a			Scheduling of Time ^b			Scheduling of Time ^c		
	Good	Adequate	Poor	Good	Adequate	Poor	Good	Adequate	Poor
Demonstration Courts	33.3	42.7	24.0	46.8	37.0	16.2	35.8	48.2	16.0
Comparison Courts	34.7	34.9	30.3	41.1	37.4	21.5	d	d	d
	Parking ^a			Parking ^b			Parking ^c		
	Good	Adequate	Poor	Good	Adequate	Poor	Good	Adequate	Poor
Demonstration Courts	42.9	28.5	28.6	49.0	28.2	24.8	38.0	26.6	35.4
Comparison Courts	37.5	25.3	44.6	39.8	22.9	37.2	d	d	d
	Eating ^a			Eating ^b			Eating ^c		
	Good	Adequate	Poor	Good	Adequate	Poor	Good	Adequate	Poor
Demonstration Courts	36.5	42.5	20.9	44.0	38.2	17.8	45.8 ^e	45.6 ^e	8.6 ^e
Comparison Courts	31.3	50.4	18.5	36.0	42.7	21.3	d	d	d

Note.^aData taken at initiation of demonstration project.^bData taken at interim point during demonstration project.^cData taken at termination of demonstration project.^dData not available.^eFigures reflect data from two courts only.

attitudes about the use of their time during jury duty. A possible explanation for the positive change in attitude toward scheduling of juror time could be a result of more efficient management techniques that were introduced by the demonstration courts during the project. Unfortunately, the attitudes seem to be less favorable at the program's end, suggesting either that the measure is not particularly valid, or that the management techniques did not endure in improvement through the project's life. In both the demonstration and comparison courts, a large percentage of jurors at each observation period continued to rate the parking and eating facilities as "poor" or merely "adequate."

The use of jurors' time seems to be a significant factor in the overall impression of jury service as indicated by responses in all participating courts. As shown in Table 6-4, jurors who rate the use of their time while on jury duty as "poor" are not as favorable in their overall impression of jury service as are those jurors who rated the use of their time as "good." As measured by the Chi Square statistic, the relationship of these variables is significant [Chi Square (6) = 237.6, $p < .01$].

As indicated by Tables 6-5 and 6-6, jurors who rated parking and eating facilities as "poor" were less favorable in their overall impressions of jury duty than those jurors who ranked parking and eating facilities as "adequate" or "good." The

Table 6-4

Scheduling of Juror Time as a Factor in
Overall Impression of Jury Duty

Impression of Jury Duty	Scheduling of Juror Time		
	Poor	Adequate	Good
Favorable	60.0	90.7	93.8
Unfavorable	40.0	9.3	6.2

Table 6-5

Parking as a Factor in Overall Impression
of Jury Duty

Impression of Jury Duty	Parking		
	Poor	Adequate	Good
Favorable	81.4	85.2	88.2
Unfavorable	18.6	14.8	11.9

Table 6-6

Eating Facilities as a Factor in Overall
Impression of Jury Duty

Impression of Jury Duty	Eating Facilities		
	Poor	Adequate	Good
Favorable	77.9	86.1	89.4
Unfavorable	22.1	13.9	10.6

difference in the impression of jury duty is significantly affected by parking facilities [Chi Square (6) = 19.3, $p < .05$] and eating facilities [Chi Square (6) = 30.2, $p < .05$] as measured by responses of approximately two thousand jurors in the demonstration and comparison courts.

Jurors' overall impressions of jury service are also influenced when faced with income loss, as shown in Table 6-7. A significant difference [Chi Square (3) = 22.5, $p < .05$] concerning overall impression of jury duty was found between those jurors who reported income loss and those who reported no income loss as a result of jury service. Another factor found to have some affect [Chi Square (3) = 9.4, $p < .05$] on the impression of jury duty is prior service. Table 6-8 indicates the differences in overall impression of jury service by jurors who had served before (87.7 percent favorable) and those who had not previously served on jury duty (84.4 percent favorable).

Table 6-7

Loss of Income as a Factor in Overall Impression
of Jury Duty

Impression	Lost Income	No Income Lost
Favorable	77.8	87.2
Unfavorable	22.3	12.8

Table 6-8

Prior Jury Service as a Factor in Overall Impression
of Jury Duty

Impression	Prior Service ^a	No Prior Service ^b
Favorable	87.7	84.4
Unfavorable	12.3	15.5

Note:

^aIncludes all persons who had served on jury duty at least once before (some had served several times).

^b66.6% of the respondents had not served before.

7.0 PERCEPTIONS OF COURT PERSONNEL

- o Court personnel have generally positive attitudes toward the operation and management of their jury systems.
- o Qualitative analysis revealed a general Agreement between what is and what seems to be evident in the jury operations of the court. The impressions of court personnel toward broad aspects of their jury operations generally reflect the trends in the observed modifications, as well as quantitative measures of juror selection, juror usage, and juror attitudes.

One measure of satisfaction or dissatisfaction with a court's management and utilization of jurors, in addition to the attitudes of departing jurors themselves, is the attitudes of court personnel. Judges, clerks, jury commissioners, and court administrators all work within the constraints imposed by the structure and operation of the jury system. Their attitudes and opinions thus serve both as measures of the efficiency and effectiveness with which the system is operated and as indicators of areas in which improvement is needed.

Perceptions of court personnel concerning jury operations in all courts participating in the evaluation were measured in two ways: 1) by use of a survey utilizing a questionnaire administered to those court personnel involved with jury management either as managers, or members of the judiciary and 2) by qualitative analysis of interviews conducted with many of the same court personnel who had responded to the questionnaire.

7.1 Survey

An analysis of 248 Jury System Management Questionnaires (see Appendix C) administered in twenty court systems in January 1977, September 1977, and September 1978 revealed that, overall, court personnel have generally positive attitudes toward the operation and management of their jury systems. Table 7-1 shows percent of responses by court personnel in three categories of satisfaction with aspects of jury operations aggregated over observation periods. Areas of greatest satisfaction are the randomness of all stages of the selection process and the representativeness of the source list. A total of 83.0, 81.2, and 71.8 percent of court personnel in demonstration courts thought that equity in qualification and summoning, panel assignment, and the source list, respectively, was "adequate" or "very good"; comparable figures for the comparison courts were 92.8, 97.0, and 90.0.

Conversely, the areas of greatest dissatisfaction were the juror's fee and the jury assembly facilities. A majority of personnel in demonstration courts and comparison courts, 55.0 percent and 54.2 percent, respectively, felt that juror fees were less than adequate; 53.6 percent and 39.7 percent of the personnel in demonstration courts and comparison courts, respectively, felt that their jury assembly facilities were in need of improvement. There is also a considerable amount of concern on the part of the respondents that responsibility for jury system management is not adequately defined, that the

Table 7-1

Percent of Court Personnels' Responses in Three Categories
of Satisfaction with Aspects of their Jury System

		Qualification and Summoning ^a		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		17.0	50.3	32.7
Comparison Courts		7.2	56.4	36.4
		Panel Assignment ^b		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		19.7	49.3	30.9
Comparison Courts		3.0	46.2	50.8
		Adequacy of Source List ^c		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		27.7	42.8	29.5
Comparison Courts		10.0	44.3	45.7
		Excuse and Exemptions ^d		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		35.2	46.1	18.8
Comparison Courts		16.7	52.8	30.6
		Efficiency and Effectiveness of Qualifying and Summoning ^e		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		29.8	50.3	19.9
Comparison Courts		3.0	55.3	41.8
		Length of Service ^f		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		30.0	36.0	32.0
Comparison Courts		15.9	52.2	31.9
		Juror Fees ^g		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		55.0	39.2	5.8
Comparison Courts		54.2	38.9	6.9

Table 7-1 (Continued)

		Orientation ^h		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		28.0	36.0	36.0
Comparison Courts		5.7	50.7	43.5
		Jury Lounge ⁱ		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		53.6	29.4	17.0
Comparison Courts		39.7	33.3	27.0
		Payment of Jurors ^j		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		36.6	41.2	22.2
Comparison Courts		15.2	50.0	34.8
		Definition of Responsibilities ^k		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		43.0	38.0	19.0
Comparison Courts		14.3	61.9	23.8
		Communication and Feedback ^l		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		44.8	37.2	17.9
Comparison Courts		17.9	65.7	16.4
		Evaluation Input ^m		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		36.3	40.4	23.3
Comparison Courts		42.6	32.8	24.6
		Management Documentation ⁿ		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		43.4	40.0	16.5
Comparison Courts		16.1	64.5	19.4
		Jury Selection ^o		
		Improvement Needed	Adequate	Very Good
Demonstration Courts		7.8	55.8	36.4
Comparison Courts		3.3	53.3	43.3

Table 7-1 (Continued)

	Penalties ^P		
	Improvement Needed	Adequate	Very Good
Demonstration Courts	39.6	46.5	13.8
Comparison Courts	22.0	50.8	27.1

Note.

Demonstration Courts n = 175
Comparison Courts n = 73

- ^aQuestion: What is the quality of the random selection procedures used to pick potential jurors during qualification and summoning?
- ^bQuestion: What is the quality of the random selection procedures used to pick potential jurors during panel assignment?
- ^cQuestion: Do the source and master jury lists contain a representative group of citizens?
- ^dQuestion: What is your degree of satisfaction with the criteria and procedures used to exclude and excuse jurors during qualification and after summoning?
- ^eQuestion: Is the administrative process of qualifying and summoning jurors effective and efficient?
- ^fQuestion: What is your opinion of the length of the jurors' term of service?
- ^gQuestion: What is your opinion of the amount jurors are paid?
- ^hQuestion: What is your opinion of the management of jurors at the time they report?
- ⁱQuestion: What is your opinion of the jury lounge and other waiting room facilities?
- ^jQuestion: What is your opinion of the timing and method of payment for jury service?
- ^kQuestion: Is the responsibility for each aspect of jury system management defined?
- ^lQuestion: Are channels of communication for reporting and feedback among levels of management defined and open?
- ^mQuestion: Do jurors have a sufficient means of providing input concerning their evaluation of system operation?
- ⁿQuestion: Is the documentation of jury system management procedures and responsibilities sufficient?
- ^oQuestion: Are the procedures and criteria used for jury selection sufficient to withstand a legal challenge?
- ^PQuestion: Are the penalties for failure to perform jury service a sufficient deterrent?

channels of communication among the various levels of management are not identified and open, that the penalties for failure to perform jury service are not a sufficient deterrent, and that there is not adequate documentation of jury system management procedures and responsibilities.

Interestingly, personnel in comparison courts seem to have a more favorable impression of their jury operations than do their counterparts in the demonstration courts. Only in the degree to which the courts utilize the input of jurors (see Table 7-1, "Evaluation Input") do comparison court personnel see a greater need for improvement. The investment made by the personnel in the demonstration courts in "improvement" of their system may explain the difference in the two groups and the greater percent of individuals in demonstration courts finding more "improvement needed." Underlying the federal granting of funds is the tacit understanding of a need for those funds; also, the demonstration courts explicitly documented the areas of need in jury utilization and management in their application for federal aid.

Table 7-2 shows court personnels' perceptions of aspects of their jury operations at the initiation (O_1) of the Demonstration Program and at the formal termination point (O_3). With the exception of the defensibility or representativeness of jury selection, over one third of the responses from personnel in demonstration courts indicated a need for

Table 7-2

Percent of Court Personnels' Responses Before and After the
Demonstration Program According to Categories of Satisfaction

Jury System Aspect	Initiation of Project (0 ₁)						Termination of Project (0 ₃)					
	Demonstration Courts			Comparison Courts			Demonstration Courts			Comparison Courts		
	Improvement Needed	Adequate	Very Good	Improvement Needed	Adequate	Very Good	Improvement Needed	Adequate	Very Good	Improvement Needed	Adequate	Very Good
Qualification and Summoning	35.4	45.1	19.4	8.7	69.5	21.7	8.6	45.7	45.7	4.3	47.8	47.8
Panel Assignment	31.0	48.3	20.6	8.3	70.8	20.8	5.8	32.4	61.8	—	45.5	54.5
Adequacy of Source List	39.3	55.7	4.9	15.4	69.2	15.4	30.5	25.0	44.4	8.3	37.5	54.2
Excuse and Exemptions	48.4	48.4	3.2	32.2	60.7	7.1	32.4	45.9	21.6	8.7	60.9	30.3
Efficiency and Effectiveness	49.1	38.6	12.3	8.3	75.0	16.7	35.1	37.8	27.0	—	34.8	65.2
Length of Service	30.2	46.0	23.8	18.5	66.7	14.8	37.8	16.2	46.0	14.3	47.6	38.1
Juror Fees	47.5	45.9	6.6	51.9	48.1	—	43.3	51.4	5.4	58.3	33.3	8.3
Orientation	33.3	58.3	8.3	8.0	80.0	12.0	13.8	19.4	66.7	—	37.5	62.5
Juror Lounge	64.7	29.4	5.9	50.0	38.5	11.5	41.7	33.3	25.0	52.2	21.7	26.1
Payment of Jurors	46.7	41.7	11.7	19.2	65.4	15.4	25.7	34.3	40.0	21.7	39.1	39.1
Management of Jury System	41.1	46.4	12.5	18.5	74.1	7.4	38.2	32.4	29.4	14.3	52.4	33.3
Communication and Feedback	42.1	45.6	12.3	29.6	59.3	11.1	45.7	25.7	28.6	16.7	62.5	20.8
Evaluation Input	50.0	44.4	5.6	50.3	25.0	16.7	20.0	34.3	45.7	52.4	28.6	19.0
Documentation of System	51.8	46.4	1.8	29.2	66.7	4.1	36.4	27.3	36.4	13.6	63.3	22.7
Representativeness of Jury Selection	13.0	70.4	16.7	9.1	81.8	9.1	5.7	37.1	57.1	—	35.0	65.0
Penalties	40.0	41.7	18.3	29.2	54.2	16.6	37.5	56.3	6.2	25.0	31.3	43.7

improvement in all aspects of jury operations at the initiation of the Demonstration Program. As indicated above, the need for improvement is felt less acutely in the comparison courts.

At termination of the project the demonstration courts perceived that many areas that had needed improvement at the initiation of the demonstration project had been improved. Specifically, in the demonstration courts at O₃, the categories of randomness for qualification and summoning, representativeness of the source list, the management of jurors time, jury lounge, method of juror payment, juror evaluation of the system, documentation of jury management procedures and the criteria used for jury selection were areas in which court personnel perceived a reduced need for improvement than had been perceived at the initiation of the orientation project (O₁). Differences over time in the comparison courts were much less evident.

Differences in attitudes of court personnel in demonstration and comparison courts may be due, at least in part, to the fact that the number of completed management questionnaires returned from comparison courts was considerably less than the number returned from demonstration courts. Those that did return the questionnaires may be different from those that did not. The differences may also be due to the fact that judges, managers, and other administrators in the demonstration courts were more aware of jury innovations generally, and of

the juror utilization and management project specifically, and thus may have been more critical of their systems than those in the comparison courts were. Unfortunately, the survey data do not allow us to choose among these alternative explanations.

Examination of the responses for all courts, demonstration and comparison, showed that the attitudes of court personnel became more positive from the first to the third data collection period for every item except the juror's fee, excuse procedures, and penalties for failure to show for jury duty. The greatest improvement in attitudes from O_1 to O_3 as shown in Table 7-2 occurred with respect to the jury lounge, the means available to jurors to evaluate the jury system, the quality of the random selection procedures during panel assignment, and the timing and method of payment for jury service.

Comparisons of the mean responses of personnel in the demonstration and comparison courts reveals similar patterns. In both groups of courts, attitudes became more positive from O_1 to O_3 on all survey items except the juror's fee. In addition, the greatest degree of improvement in attitudes occurred for the demonstration courts on the quality of random selection process during panel assignment, and for the comparison courts on the jury lounge, juror input to system evaluation, and the timing and method of payment for jury service.

These findings suggest that judges and other persons involved in the administration and management of the court system have fairly positive attitudes toward the system. They are most critical of such things as the jury lounge and the juror's fee and less critical of aspects of the jury operations that may seem more integral to the efficient and effective operation of the system. In addition, the data reveal that comparison courts consistently are evaluated more positively than demonstration courts, a finding that could be an artifact of the demonstration project, i.e., participants rate their court as "in need of improvement" at the initiation of the project and as "improved" at its conclusion.

7.2 Qualitative Analysis

Interviews of court personnel involved in jury operations were taped by evaluation staff during the second site visits (02) to all participating courts. The taped interviews were transcribed, deidentified and analyzed by an expert panel which sorted responses to the interview questions (see Section 2.4 "Qualitative Analyses" for a description of method).

The outcome of the expert appraisal of the interviews with court personnel involved in the jury operations of their court is shown in Tables 7-3 to 7-7. In their essence, the tabulated data indicates the ranking a panel of experts would give to various aspects of a court's jury operations when those aspects are not directly observed, but communicated by those involved with

the operations. As described in Section 2.4, "Qualitative Analyses," a panel of five experts rated the responses of 42 court personnel in nine courts to interview questions about areas of jury operations. The tabulated means in the five tables correspond to rated qualitative data (transcribed responses to interview questions) in five areas of jury operations, selection process, juror usage efficiency, responsiveness, citizenry attitudes, and recent reform in jury operations. A nonparametric measure of the correlation among the rankings of the five panel members, Kendall's coefficient of concordance (Siegel, 1956), was computed separately for each area of concern. The rankings, from one to nine, of the mean ranking given to each of the nine courts were used as the ranked data for computing the coefficient of concordance (W). For example, one panel member gave the qualitative data in the area of jury selection process of the Dallas Court the highest mean ratings which was in turn given the highest rating among the nine courts (9), the Clayton Court the next highest rating (8), the Norristown Court the next (7), and so on. Statistically significant interrater reliability, the degree of agreement among the panel members, was found for all five areas of jury operations presented except the responsiveness of jury operations to the needs of the court.

7.2.1 Selection Process

Table 7-3 shows the mean (relative) rankings of jury

Table 7-3

Mean Expert Panel Ratings of Qualitative
Data of Jury Selection Procedures^a in Nine
Courts

More Successful Demonstration Courts		Less Successful Demonstration Courts		Comparison Courts	
Dallas	3.5	Hartford	2.6	Provo	2.8
Clayton	3.7	Akron	2.5	St. Louis	2.0
Spokane	2.9	Salt Lake	3.4	Norristown	3.0
Mean	3.4	Mean	2.8	Mean	2.6

^aThe responses of court personnel in participating courts to the question "Does the selection procedure used in the court (including the use of the source list, qualification, summoning, selection of panels, and finally drawing the jury from the panel) meet the goal of a representative jury?"

selection procedures as communicated by court personnel in three "more successful courts," three "less successful" courts and three comparison courts. The Kendall coefficient of concordance (W), measuring interrater reliability, was statistically significant [Chi Square (8) = 24.56, $p < .01$]. The order of the more qualitative data is consistent with the ordering based on the quantitative and descriptive analyses described in Section 4.0, "Equity in the Juror Selection Process." The Dallas Court and the Clayton Court, highly successful in improving their selection process, is viewed accordingly by knowledgeable observers (the panel of experts) when their judgments are based solely on what the court personnel say about their selection process. Conversely, the qualitative data from the St. Louis Court, a comparison court, was rated the lowest by the panel, again consistent with the quantitative data on the selection process obtained from that court.

The high coefficient of concordance among raters in the area of jury selection may be interpreted as meaning that the panel of experts are applying similar standards in judging the responses of the court personnel to the question of the equity in their court's selection process. Each panel member was asked to make one or two statements revealing the characteristics of the qualitative data presented to him that contributed most significantly to the ratings. The following statements suggests what it was about the responses of the court personnel which led to the rankings of the selection process

of the courts.

I validated the component parts of the representativeness issue, such as summoning, qualification, the use of panel, etc., looking for the important issues as stated in the question and then looking for the responses to those issues in the answers.

The level of discussion regarding representation, how the procedures effect representativeness of the jury system and at what level it occurs, the response and the level of confidence for each type of role (who is being interviewed), and their overall knowledge of the system were the important factors in this question and response. For example was the judge able to make firm statements regarding the system or were the answers open-ended?

The method of random selection and its effectiveness was the basis of my rating. The support of the system in operation by the people who worked in the system was also important. The people working in the system and whether they thought it was good, bad, or otherwise or if they were very casual about it.

Whether the subject's reply indicated a bias and an unwillingness to instigate a change or whether it was positively stated that he recognized a problem and wanted to do something about it were important in the responses to this question and whether an apparent goal of the system was to obtain a cross-section on the master list.

The rating was based upon interview responses, taking into consideration the source, knowledge of the system which was expressed in the response, and the comment indicating whether the system was unsuccessful or successful and giving specific reasons for either. The kind of improvements that could be made (excusal rate, exemptions, not enough young, source lists); whether they could give specific reasons for either the success or lack of success in their system and how it can be improved were also important factors.

7.2.2 Efficiency of Juror Selection and Usage

Table 7-4 shows the mean ranking of the qualitative data in the area of juror selection and usage efficiency. The Kendall coefficient is statistically significant [Chi Square (8) = 20.04, $p < .05$] indicating good interrater reliability. The expert raters apparently were using similar standards to judge the efficiency of juror selection and usage. However, in this area of jury operations there is no significant correspondence between the "success" of the courts as gauged by quantitative measures and the ranking of qualitative data. In fact, the more successful courts, according to quantitative assessments, are ranked lowest in the qualitative analysis. The following statements by the members of the expert panel reveal the characteristics in the responses of the court personnel which contributed to the rankings of efficiency in the courts.

Rankings were made based on who attempts to attain the goal of random selection while at the same time keeping in mind the cost to the system. In other words, while attempting to obtain the goal of random selection was it done economically? Was maximum use with minimum wait afforded the jurors? How effective was the use of the juror? Was ample consideration given to their comfort and enough explanation given regarding their service?

I looked at responses from the standpoint of the court and from that of the jurors. Are jurors available when needed? What efforts do the courts use to avoid delays and what effort is made to educate the jurors regarding the court's procedures? Is adequate notice given and are jurors told how long they will be expected to serve?

Table 7-4

Mean Ratings of Qualitative Data on Efficiency
of Jury Operations^a in Nine Courts

More Successful Demonstration Courts		Less Successful Demonstration Courts		Comparison Courts	
Dallas	3.3	Hartford	3.0	Provo	3.4
Clayton	2.4	Akron	3.0	St. Louis	2.3
Spokane	2.8	Salt Lake	3.2	Norristown	3.7
Mean	2.8	Mean	3.1	Mean	3.1

^aThe responses of court personnel in participating courts to the question "Are the selection and usage procedures of jurors efficient from the point of view of the court? Juror?"

Although juror management should be cost effective, which will result from good selection and usage procedures, are jurors and the taxpayers content with the process? What types of procedures are used by the court to improve utilization and selection procedures? I ranked according to how those issues were addressed by the court and whether the jurors needs were considered and met.

The questions I asked were: what is their selection procedure? what is their usage? what is their effectiveness? I looked at the potential for the balancing of "cost" after first recognizing the various costs and then I looked for specific suggestions for meeting the issues of balancing the same. A lack of exhibiting an interest or knowledge of the issues (utilization/selection) equaled a ranking least successful.

I looked for specifics not general opinions. Do they understand the jurors and their problems? Is much concern expressed regarding the jurors' comfort and are any efforts made to accommodate the jurors? I looked for positive constructive criticism or praise of the system. Is there an efficient use in numbers, time, and money? Was there criticism for cost, time, and money factors?

7.2.3 Responsiveness of Jury System

Is the jury system responsive to the needs of the court?

Table 7-5 shows the mean ratings of responses of court personnel in the three groups of courts to this question. The unreliability of rankings in this area, as expressed by an insignificant coefficient of concordance [$\text{Chi Square (8) = 8.96, } p > .05]$, together with the statements below made by the panel members indicate that the question of responsiveness had little meaning to court personnel.

Table 7-5

Mean Ratings of Qualitative Data on the
 Responsiveness^a of Jury Operations in
 Nine Courts

More Successful Demonstration Courts		Less Successful Demonstration Courts		Comparison Courts	
Dallas	3.2	Hartford	2.5	Provo	2.9
Clayton	2.7	Akron	3.1	St. Louis	3.2
Spokane	2.8	Salt Lake	3.2	Norristown	3.4
Mean	2.9	Mean	2.9	Mean	3.2

^aThe responses of court personnel in participating courts to the question "Is the jury system responsive to the needs of the courts?"

How positive was the reply to the question?
What evidence supported the conclusion?

I looked for some positive answer. I felt that people were not responsive to the question.

Does the system ignore most if not all other considerations to completely satisfy the court? (Here the court is defined as any and all judges.) Are any other considerations other than complete court satisfaction considered? A simple reply of yes became the midpoint in the rankings.

Is there a judge wait? Are judges delayed by waiting for the jury? The answers fell into two categories: (1) an unqualified no or (2) an indication of occasional waits. The only way I could rate was to put those who gave an unqualified no in the ranking of most successful (#5). Those who indicated waits and all the rest I put into category #4. The fact of it is, that as the question is propounded that this is not apparently a problem to the court and to the jury system.

I examined the overall impact of the subcomponent parts on the issue of representation. Are there sufficient jurors for trial? Is the wait reasonable? I provided a relatively objective assessment of representativeness by respondent and subcomponent parts.

7.2.4 Juror Attitudes

The degree of agreement among panel members in ranking court personnels' view about the attitude of the citizenry was significant [$\text{Chi Square } (8) = 21.32, p < .01$], indicating the use of similar standards in ranking. As corroborated by the direct survey of jurors (see Section 6.0, "Juror Attitudes") the results of the qualitative analysis summarized in Table 7-6 reveals no difference in juror attitudes among

Table 7-6

Mean Ratings of Qualitative Data on Juror
Attitudes^a in Nine Courts

More Successful Demonstration Courts		Less Successful Demonstration Courts		Comparison Courts	
Dallas	3.3	Hartford	3.5	Provo	3.0
Clayton	2.8	Akron	2.9	St. Louis	2.3
Spokane	2.8	Salt Lake	3.2	Norristown	3.6
Mean	3.0	Mean	3.2	Mean	3.0

^aThe responses of court personnel in participating courts to the question "What is the attitude of the citizenry toward jury duty?"

the three groups of courts. The responses from personnel in the "more successful" demonstration courts were rated no higher than the responses from personnel in the comparison courts; the "less successful" demonstration courts were rated slightly higher than either of the other two groups of courts.

The statements below reveal characteristics of the qualitative data that contributed to the ratings.

Assuming that most uninitiated citizens have a negative image about jury service from a viewpoint of their personal inconveniences, I measured the evidence which influenced the reply. Some responses did not seem to deal with the question--these received a lower rating.

Is the general impression of the community favorable? Has the court made any effort to enlighten the community? Do citizen jurors leave jury service with a favorable impression? How I felt in general about their responses. I gave points for each of the above and then ranked them accordingly.

The question deals with the attitude of citizenry toward jury duty. The responses fall into two categories--before and after jury service. Those rated more successful dealt with both categories and were affirmative answers. I considered those indicating some reluctance of citizens before duty and efforts to increase awareness of the system; those indicating receptive responses after duty; those pointing out areas for improvement; and those claiming no information or basis for assessment and I then ranked them accordingly. The greatest need for improvement seems to be in the education of citizens of the judicial system.

What can be done to improve the image of jury service to the citizen who has not served? Unfamiliarity and lack of education should be

main concern. What are the courts doing to improve this situation? What can be done to improve the attitude of the juror who is serving? The responses seemed to be good.

I tried to determine if the staff recognized the need of the jurors and I noted a complete lack of knowledge in this area. What is the staff's attitude toward the jurors who are serving? I looked at the request for excusals and how many excusals were actually granted. I found a lack of knowledge or perception of citizens' needs on behalf of the staff. Also, a negative attitude toward jury service was expressed in the attitude of the staff. Problems with the jurors' attitudes seemed to be directly influenced by staff attitude.

7.2.5 Modifications in Jury Operations

Table 7-7 shows the mean ratings of the qualitative data on modifications made in the courts, as viewed by the relevant actors in the court. A high degree of agreement among panel members was evident in this area of rating [Chi Square (8) = 28.64, $p < .001$]. The qualitative data confirms the actual observations of structural and procedural changes made in the participating courts (see Section 3.0, "Changes in Jury System Operations"). There was variability in the number of modifications initiated by the demonstration courts, some courts making more changes in their jury systems than others; yet overall, a comparison of the degree of change in demonstration and comparison courts clearly favors the former group.

The statements made by the expert panel, in support of their ranking summarized in Table 7-7, suggest important

Table 7-7

Mean Ratings of Qualitative Data on Modifications
in Jury Operations^a in Nine Courts

More Successful Demonstration Courts		Less Successful Demonstration Courts		Comparison Courts	
Dallas	4.0	Hartford	2.8	Provo	2.4
Clayton	2.8	Akron	3.3	St. Louis	1.9
Spokane	2.8	Salt Lake	3.0	Norristown	3.5
Mean	3.2	Mean	3.0	Mean	2.6

^aThe responses of court personnel in participating courts to the question "What improvements have been made in the jury system within the last year or year and a half? Are they attributable to the Demonstration Program?"

areas of change in the courts.

The scoring basis was in three categories: (1) those replies indicating no change, no anticipated change; (2) some changes made because of program; (3) substantial change looking to future. Courts were ranked according to above criteria.

The ratings were based upon improvements reflected in response to inquiry. These covered various changes in the jury system, etc. Ratings were based on those courts showing greatest improvement in the following areas: expansion of the source list, improvement of the qualification questionnaire, use of orientation for general public and jurors, shortening the length of waiting time and actual days reporting for duty, utilization and methods to reduce unnecessary appearances and delays, improvement of facilities, and reduction of costs. There seems to be an overall indication that most worked for improvement in most areas--particularly in the areas of attitude of court personnel and their recognition of the importance of improvements needed to make the system more efficient and responsive to the needs of those affected by it.

I was looking for positive improvements and changes in the system and positive steps and plans that are to be implemented, not nebulous ideas or pies in the sky. Also, I looked for those who recognize the problem and those with an eye to future needs. In most instances improvements, however large or small, could be attributable to the Demonstration Program.

Did the court have any improvements in the last year and a half? Could they be attributed to the Demonstration Program? If so, what were they?

I checked the number and the type of changes being reported. Was there a willingness expressed to continue to review and make changes as needed to improve the system over a period of time? I rated poor those who: (1) expressed the belief that the present juror system is all right, (2) reported no changes, and (3) gave no answer.

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FOOTNOTES

¹Duncan v. Louisiana, 391 U.S. 145, 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968).

²Strauder v. West Virginia, 100 U.S. 303, 25 L. Ed. 644 (1880); Neal v. Delaware, 103 U.S. 370, 26 L. Ed. 567 (1881).

³Taylor v. Louisiana, 419 U.S. 522, 95 S. Ct. 692, 42 L. Ed. 2d 690 (1975).

⁴Taylor v. Louisiana, supra at note 3.

⁵Annot., 80 A.R.L.3d 869 (1977).

⁶Model Jury Selection and Service Act § 5.

⁷Uniform Jury Selection and Service Act.

⁸Ohio Rev. Code § 2313.09.

⁹Strauder v. West Virginia, supra at note 2; Neal v. Delaware, supra at note 2; Taylor v. Louisiana, supra at note 3.

¹⁰28 U.S.C. § 1863(c); Uniform Jury Selection and Service Act § 5; Model Jury Selection and Service Act § 5.

¹¹Taylor v. Louisiana, supra at note 3.

¹²Conn. Gen. Stat. § 51-217.

¹³Tex. Civ. Code art. 2133.

¹⁴Utah Code Ann. § 78-46-8.

¹⁵Duren v. Missouri, 24 Crim. L. Rep. 3037 (1979).

¹⁶Uniform Jury Selection and Service Act § 10 (see comment).

¹⁷Uniform Jury Selection and Service Act § 11; Model Jury Selection and Service Act § 11.

APPENDIX A

Modifications in Jury Selection, Utilization and
Management in Twenty Participating Courts in Ten States

Arizona	(Phoenix, Tucson)
Connecticut	(Hartford, Waterbury)
Kentucky	(Louisville, Lexington)
Missouri	(Clayton, St. Louis)
New Jersey	(New Brunswick, Elizabeth)
Ohio	(Akron, Dayton)
Pennsylvania	(Media, Norristown)
Texas	(Dallas, Ft. Worth)
Utah	(Salt Lake City, Provo)
Washington	(Spokane, Everett)

Table A-1

Modifications in Jury Selection, Utilization and Management, 1977-1979

ARIZONA

	Maricopa County Superior Court (Phoenix)	Pima County Superior Court (Tucson)
SELECTION	<ul style="list-style-type: none"> o An Arizona statute change, effective June 1, 1980, allows supplementation of voter registration list with the drivers license list. 	
SCREENING	<ul style="list-style-type: none"> o An Arizona statute change allows establishment of combined summoning-qualification, effective September 1, 1979. o A statute change eliminates class exemptions. 	
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o A change in Arizona Rules of Civil Procedure allows extensive use of mini-computers in day-to-day jury operations. The mini-computer introduces the capability of computerizing the daily tasks of jury management. It has reduced the manual amount of paperwork to a minimum. Instead of a clerk tracking prospective jurors using a manual system, all information is entered into the mini-computer which displays and/or prints this information. Utilizing the mini-computer has reduced to zero the number of typing of forms or lists by a clerk. o A Jury System Plan was written and adopted and is to be updated on a yearly basis. o Although fixed panel sizes were not adopted in the Superior Court, the Municipal Court adopted a fixed panel of 14 (instead of 16) for a six-person jury. o Voir dire starts have been scheduled more frequently in the afternoon. 	<ul style="list-style-type: none"> o Trial start dates and times have been staggered since the Spring of 1978. o Jurors are supplied to four Justice of the Peace Courts, in addition to the Superior Courts. Effective in May 1979 jurors for the city courts of Tucson will be selected, screened, and dispatched by the Superior Court Jury Commissioner's Office.
SERVICE	<ul style="list-style-type: none"> o The juror handbook was rewritten and used beginning in the Spring of 1977. o Instructions to the bailiffs were written and distributed to improve their communications to jurors. o Juror information regarding parking facilities, restaurants, etc. was developed and distributed to jurors. o Comfortable chairs and a television set were provided in the juror lounge area. 	<ul style="list-style-type: none"> o Jury fee was raised from \$4.00 to \$12.00 per day in courts of limited jurisdiction (A.R.S.21-221 by a change in statute).

Table A-2

Modifications in Jury Selection, Utilization and Management 1977-1979

CONNECTICUT

	Hartford Superior Court	Waterbury Superior Court
SELECTION	<ul style="list-style-type: none"> o Legislation was drafted to changed individual voir dire to group voir dire, to change exemptions, to raise the compensation of jurors, and to eliminate jury commissions. 	
SCREENING		
UTILIZATION AND MANAGEMENT		<ul style="list-style-type: none"> o An overlapping call of 150 to 200 jurors every 3 weeks, instead of 200 every 4 weeks, was initiated.
SERVICE	<ul style="list-style-type: none"> o A short film was produced in which local judges explain the process of selection and jury service in Connecticut. o The jury room was painted, a T.V. set and coffee pots were purchased to provide a more comfortable place for jurors to wait for panel calls. o The court employed an individual for one year to show the orientation film and discuss the jury system with high school students in Connecticut. 	<ul style="list-style-type: none"> o An orientation film was purchased.

KENTUCKY

Jefferson County Circuit Court (Louisville)

Fayette County Circuit Court (Lexington)

SELECTION	<ul style="list-style-type: none"> o The master list of jurors is computer generated, replacing manually prepared list. 	<ul style="list-style-type: none"> o Effective January 1, 1978 the voter registration list was supplemented by the property tax lists as a source of prospective jurors. o Improved selection was accomplished by means of computer generated source lists of registered voters and county taxpayers. Prior to this change, jury commissioners screened the voter registration lists excluding some names on the list (e.g., older individuals).
SCREENING	<ul style="list-style-type: none"> o The format of the jury summons has been drastically changed. A juror qualification form has been printed on the back of the summons form. In the past, jurors were not notified on their summons of the duration of their service. This presented problems with jurors making arrangements with their employers, babysitter, etc., since they did not know how many days they were expected to serve until they were notified on their first day in court. Now, the information on the summons explains in full about the duration of their term of service. o The excuse procedures have been streamlined. The daily review of all requests for excuse, disqualification and postponement from jury duty are now handled by the Chief Judge. The jury pool staff then notifies all persons of the Judges's ruling on their requests by post card. 	
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o A juror pool operation was initiated, replacing a procedure of summoned jurors reporting directly to assigned courtrooms. This change has relieved the trial judges of the work of selecting, orienting and managing jurors prior to voir dire. o Panels are now drawn from a single "drum" in the jury pool instead of individual drums maintained by the judges. o Jurors are now identified by badges worn by the individual jurors. o A standard two-week jury term has been adopted for all jurors. In the past, criminal trial jurors served for either a two or three-week period, with three-week periods being most common. 	<ul style="list-style-type: none"> o Effective April, 1978 the Lexington Court initiated a modified pooling operation where jurors report to one of two judges who is responsible for operating (including orientation) one mini-pool (or panel, as they refer to it in the Fayette Court). Sharing of jurors among judges and between these mini-pools is accomplished. Prior to this modified pooling operation panels were assigned to each of the four trial judges.
SERVICE	<ul style="list-style-type: none"> o The Administrative Judge is now responsible for the orientation of jurors on each Monday and Tuesday of a new jury term. At this time, the orientation of jurors is done only by an oral presentation by the Judge combined with a slide show presented on the first day. o New juror facilities have been provided (coinciding with the Circuit Courts' move to a new building). o The payment procedure of juror fees has been modified. In the past, the jurors' checks were made out in the Circuit Clerk's office. They were then delivered to the different courts for disbursement. Now the jury office completes and issues the checks. The checks are given to the jury manager who completes the checks and then issues them on their last day of service. A code-a-phone was installed when the pool was instituted. 	<ul style="list-style-type: none"> o Jurors are now assigned identification numbers indicating where and to whom to report (also aids phone answering service).

Table A-4

Modifications in Jury Selection, Utilization and Management, 1977-1979

MISSOURI

St. Louis County Court (Clayton)

St. Louis City Circuit Court (St. Louis)

	St. Louis County Court (Clayton)	St. Louis City Circuit Court (St. Louis)
SELECTION	<ul style="list-style-type: none"> o Clayton merged the county voter registration list with the state driver's license file in 1977. This automated system has created one master file enlarging the pool from 523,000 to 766,000 persons. Prior to this modification Clayton used only the county voter registration list as its source for the juror pool. 	
SCREENING	<ul style="list-style-type: none"> o In March, 1979 the Clayton Court completed the procedures necessary for a combined qualifying and summoning process. 	
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o With the introduction of a larger pool of prospective jurors, Clayton has reduced its term of juror service from one week to two days. New jurors report to the Jury Assembly Room on Mondays (approximately 200) and Wednesdays (approximately 100). o The jury assembly room has been equipped with an on-line computer terminal and high speed printer which is being used to check in prospective jurors, to print panel lists with biographical information (8 copies), to keep lists of available jurors in the jury assembly room, and to provide payroll information for each juror. o During the qualification process each prospective juror fills out an information card. If the prospective juror is summoned and reports for duty, this information is printed on panel sheets. Copies of this biographical information are sent to the lawyers to use in voir dire. 	
SERVICE	<ul style="list-style-type: none"> o Partitions were constructed and telephones installed in the jury assembly room. 	

Table A-5

Modifications in Jury Selection, Utilization and Management, 1977-1979

NEW JERSEY

Middlesex County Court (New Brunswick)

Union County Court (Elizabeth)

	Middlesex County Court (New Brunswick)	Union County Court (Elizabeth)
SELECTION	<ul style="list-style-type: none"> o A revision of the 1973 New Jersey <u>Manual on the Selection of Grand and Petit Jurors</u> prevents alphabetical bias and non-random selection of prospective jurors. 	
SCREENING	<ul style="list-style-type: none"> o Regular first class mailing of petit juror summons was initiated; registered mailing was eliminated. o Excuses are allowed in writing thus speeding up enrollment and achieving uniformity in excuse procedures. 	<ul style="list-style-type: none"> o An improved qualification questionnaire was created for the purpose of more efficient screening of returned questionnaires.
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o A two week overlapping term of service replaced a sequential two week term in an effort to offset judges' reluctance to start trials near the end of a term. o Standard panel sizes with an "over-ride" option are exercised by written notice. 	<ul style="list-style-type: none"> o The Jury Commissioner's Office and one appointed clerk's position has been eliminated; those functions are now under the Office of Court Administrator.
SERVICE	<ul style="list-style-type: none"> o Telephone stand-by option is exercised by prospective jurors on summons, allowing telephone check-in prior to service. o Juror facilities were remodeled and improved providing jurors with a cafeteria, smoking areas, a library and a television. o There has been increased interest in the jury system and jury service on the part of the public as evidenced by editorial broadcasts and newspaper articles. 	<ul style="list-style-type: none"> o Printed juror instructions are given prior to service. o Improvements in the juror assembly room include painting and the addition of smoking sections, vending machines, and more comfortable chairs.

Table A-6

Modifications in Jury Selection, Utilization and Management, 1977-1979

OHIO

Summit County Common Pleas Court (Akron)

Montgomery County Common Pleas Court (Dayton)

	Summit County Common Pleas Court (Akron)	Montgomery County Common Pleas Court (Dayton)
SELECTION	<ul style="list-style-type: none"> o New legislation providing fewer exemptions was passed. 	<ul style="list-style-type: none"> o New legislation exempts elected public officials, physicians, dentists, attorneys, those over 70, or those who have served in the past year. No longer exempt are teachers, registered nurses, priests, nuns, police and fire personnel, clergymen, or mothers of small children.
SCREENING	<ul style="list-style-type: none"> o Summons are now mailed first class replacing personal service by a deputy sheriff. 	<ul style="list-style-type: none"> o A new qualification questionnaire listing new exemptions was created.
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o A code-a-phone has been installed to instruct prospective jurors on a daily basis as to the court's needs for jurors. 	
SERVICE	<ul style="list-style-type: none"> o A slide show to be used at orientation of jurors at the beginning of each three week term has been developed. o Comfortable chairs and other furnishings to have been added to the jury assembly room. o Several faculty members at Akron University, with the guidance and assistance of court personnel, have developed a credit course that concentrates on the court system in Ohio and more specifically Summit County's jury system. o Prospective jurors were given one free round trip ticket plus ten round trip tickets at half price for the Metro Transit System. o Jury fees were increased from \$5 to \$10/day for the first two weeks and \$15/day for the third week. o Jurors are issued certificates of service. 	

Table A-7

Modifications in Jury Selection, Utilization and Management, 1977-1979

PENNSYLVANIA

Delaware County Court of Common Pleas (Media)

Montgomery County Court of Common Pleas (Norristown)

	Delaware County Court of Common Pleas (Media)	Montgomery County Court of Common Pleas (Norristown)
SELECTION	<ul style="list-style-type: none"> o The jury selection and usage procedures were computerized, i.e. selection from the master list, the printing of qualification and summons forms, the generation of the roll call lists, and panel selection. o The sheriff's role in jury selection was eliminated. 	<ul style="list-style-type: none"> o The jury selection and management system has been completely computerized, but not including payroll procedures for juror fee disbursements.
SCREENING	<ul style="list-style-type: none"> o The requests for excusals are now handled by the Administrative Assistant to the Jury Board rather than by the individual judges. o Combined qualification and summoning was put into effect. 	<ul style="list-style-type: none"> o All requests for excusals are required to be submitted in writing at least five days prior to the first day of service. Formerly, some requests for excuses were handled on the first day of service. These generally occupied an entire morning.
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o The panel size has been <u>increased</u> from 50 to 60. o A juror pooling procedure has been implemented. 	<ul style="list-style-type: none"> o Responsibility for management of the jury system has been shifted from a designated judge to the court administrator.
SERVICE	<ul style="list-style-type: none"> o A snow emergency number has been established so that jurors will not have to report on days during which court has been cancelled because of snow. o A slide show is now used during orientation. o A new parking garage has been built for the use of court personnel and jurors. o A juror assembly room has been created. 	<ul style="list-style-type: none"> o A film entitled "And Justice For All", is shown during orientation. o County officials appear in the jury assembly room periodically to discuss with waiting jurors the various functions and offices of the county government. o Jurors are asked routinely to complete exit questionnaires to provide feedback to the court.

Table A-8

Modifications in Jury Selection, Utilization and Management, 1977-1979

TEXAS

Dallas County Court (Dallas)

Tarrant County Court (Ft. Worth)

	Dallas County Court (Dallas)	Tarrant County Court (Ft. Worth)
SELECTION	<ul style="list-style-type: none"> o Dallas County Courts have changed to a One Day/One Trial term of service. Previously the term of service was one week. Prospective jurors either serve on one trial (of various lengths) or are available for service in the Assembly Room for one day. 	
SCREENING		
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o A permanent position of Jury Director has been established to direct all jury system operations for Dallas County Courts. The director is responsible for daily management as well as long range planning for the system. o Dallas County Court is using a daily stand-by system for extra jurors "in reserve" for unexpectedly heavy demand on the jury pool. Twenty percent of all summoned jurors receive randomly mailed standby summons. They call in to see if they are needed. o A part-time person was hired to assist every morning with check-in procedures. o Summoning cards are collected at the door replacing the calling of the roll during enrollment. o Postponements are now handled by computer. 	
SERVICE	<ul style="list-style-type: none"> o A set of slides have been developed for use during orientation to aid in explaining the court system as well as to save judges' time. o Payment procedures are computerized. o Public relations procedures have been utilized in an effort to acquaint the public with the One Day/One Trial System. o Central Jury Room improvements include a game room; speakers in the restrooms; and smoking and non-smoking sections. 	

Table A-9

Modifications in Jury Selection, Utilization and Management, 1977-1979

UTAH

Third Judicial Court (Salt Lake City)

Fourth Judicial Court (Provo)

SELECTION	<ul style="list-style-type: none"> o A comprehensive jury selection and service act has been enacted by the state legislature with minimal amendment. 	
SCREENING	<ul style="list-style-type: none"> o A new qualification questionnaire was developed in order to eliminate obviously disqualified persons. (Excuses and exemptions are still handled in person on the day of orientation.) A re-designed Juror Qualification Form is used, eliminating enclosure envelopes for submission of forms to the Circuit Courts. o A computer generated mailer is used for summoning jurors at the beginning of each term. 	<ul style="list-style-type: none"> o First class mailing of the initial qualification questionnaire has replaced registered mailing. According to the trial court executive, this has increased the response rate by approximately 15% because the questionnaires are left in the addressees mailboxes rather than returned to the post office.
UTILIZATION AND MANAGEMENT		
SERVICE	<ul style="list-style-type: none"> o An orientation film is used. o Parking tickets issued to jurors while serving are not enforced. o Juror Exit Questionnaires are used to provide feedback to the court. o Juror pay and mileage records have been computerized. o Certificates of appreciation are issued to jurors after the completion of service. 	

Table A-10

Modifications in Jury Selection, Utilization and Management, 1977-1979

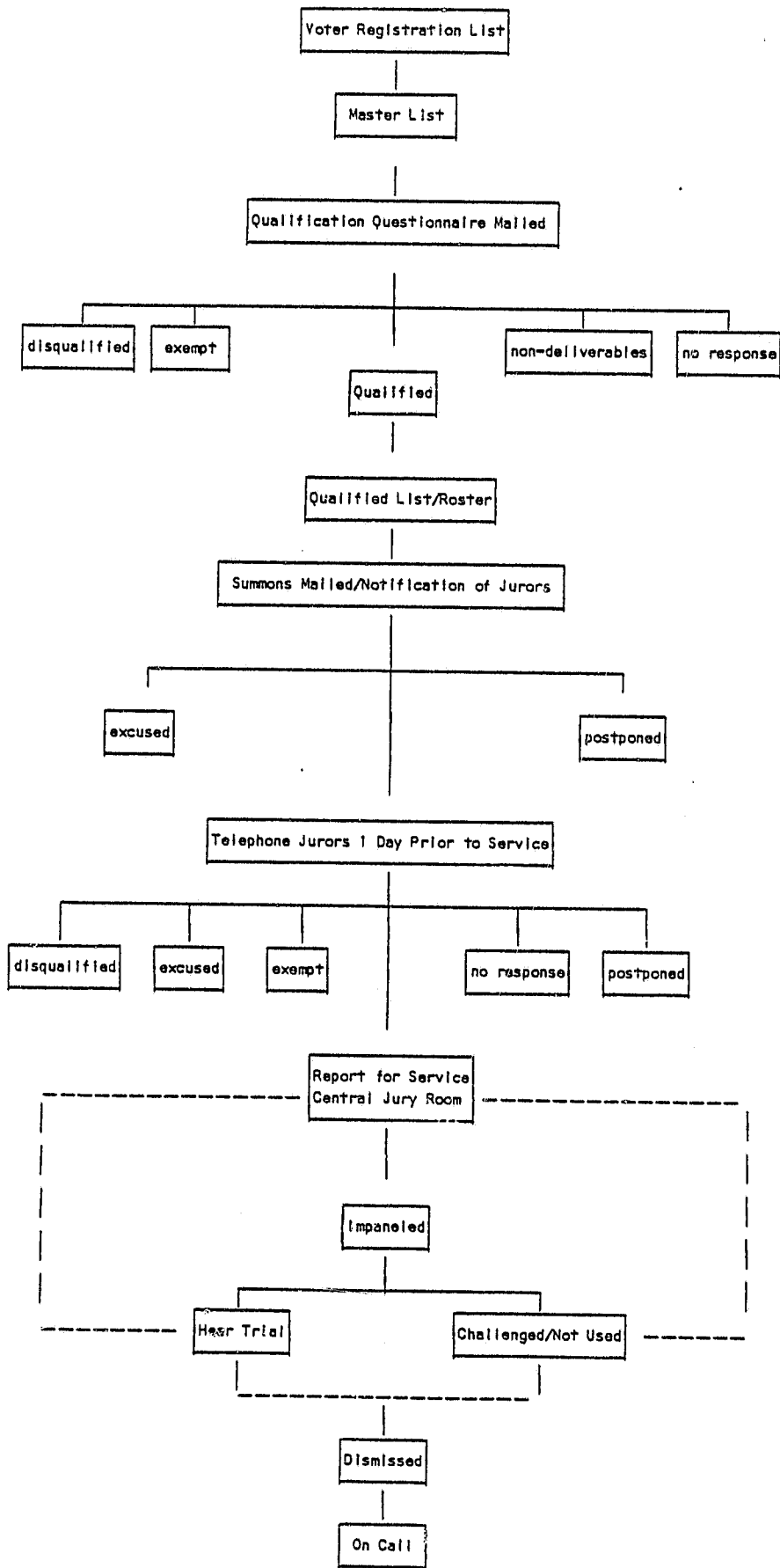
WASHINGTON

	Spokane County Superior Court (Spokane)	Snohomish County Superior Court (Everett)
SELECTION	<ul style="list-style-type: none"> o With little discernible increase in cost and administrative workload, the superior court's jury operations now includes selection of jurors for the municipal as well as the district courts. While no specific cost saving figures are available, this centralization of jury selection has lifted and administrative burden from the municipal and district courts. 	
SCREENING		<ul style="list-style-type: none"> o Request for excuses are processed by the court administrator. Prior to this excuses were handled by the Office of the Presiding Judge.
UTILIZATION AND MANAGEMENT	<ul style="list-style-type: none"> o The term of service for a prospective juror was shortened from four weeks to two weeks. The two-week terms are overlapping; a new jury pool is sworn on each Monday. o A recorded telephone message notifies jurors if they are not to report on a particular day. This system replaces personal telephone calls to jurors by the court administrator's staff. o On-line access to the Spokane County computer facilities was installed in the court administrator's office. The system includes the automated preparation of summonses mailers, the printing of daily attendance lists, the calculation of individual juror reimbursements and other administrative responsibilities. 	<ul style="list-style-type: none"> o Jury trials are scheduled to begin only on the first two days of the week. Prior to this modification in scheduling of jury trials, trials were set for Monday through Thursday. o Jurors are personally telephoned by the court administrator if their service is not required on the day that they have been summoned.
SERVICE	<ul style="list-style-type: none"> o Improved juror orientation consists of a welcoming speech by the presiding judge and jury clerk. An orientation film purchased as part of the demonstration project is also utilized during jury orientation. o A jury lounge was constructed during the life of the demonstration project. Also, other creature comforts were provided to jurors in the jury lounge, including books, magazines, comfortable furniture, carpets, etc. 	<ul style="list-style-type: none"> o A lounge equipped with tables, chairs and couches was made available to jurors. No such facilities were available to jurors prior to this time.

APPENDIX B

Flow Charts and Narrative Descriptions
of Jury Operations in Demonstration and
Comparison Courts

Maricopa County Superior Court
(Phoenix, Arizona)



Jury Selection and Utilization
Maricopa County Superior Court
(Phoenix, Arizona)

In Maricopa County, Phoenix, AZ, the jury commissioner is charged with the responsibility and authority for the management of jury operations. The jury commissioner is appointed by and is responsible to the presiding judge. The office of the jury commissioner is staffed by a jury commissioner, an assistant jury commissioner, and a clerical staff of five. The office is equipped with mini-computer facilities for selection, utilization, and payment of jurors. The Maricopa County Information Systems and Services Department assists in the establishment of the master in qualified lists of prospective jurors. (Jurors are supplied to the superior court, Phoenix Municipal Court, eighteen Justice Courts, in both county and state grand juries when sitting in Maricopa County.)

The source of jurors in Maricopa County is the pool of electors as listed on the voter registration list. The voter registration lists will be supplemented by the drivers license list effective June, 1980. Four times each year, the jury commissioner's office begins the process of qualifying prospective jurors for service in the superior and municipal courts for the next three months. Currently, approximately 40,000 names are selected annually from the source list of 530,000 names to be mailed a qualification questionnaire; i.e., 8% of the source list is used each year.

To accomplish the selection the jury commissioner begins by determining the number of prospective jurors that will be required. Then, using past response yield records (the qualification yield is currently averaging 50%; the summoning yield is averaging 65%, with an overall yield of approximately 33%), he estimates the number of persons on the source list who should receive qualification questionnaires. To insure randomization, an "interval of selection" is determined by dividing the total number of registered voters by the total number of names to be selected. The beginning number is determined by drawing a number by lot from the field determined by the interval number. Using this interval of selection and this start number, the Information Services and Systems Department (ISSD) selects the appropriate names from the total list of registered voters. The voter registration is contained on magnetic tape. Selection is accomplished by the computer and a master list is generated. The list contains alphabetized names, identification numbers, the addresses, and the birthdates of prospective jurors. After automated addressing of the qualification questionnaires, they are sent to prospective jurors via first-class mail to be completed and returned within ten days.

Returned questionnaires are screened by the jury commissioner's office in order to eliminate those persons unqualified to serve as jurors and those who have valid excuses. There are no class exemptions. Some telephoning of prospective jurors is done to facilitate the screening of returned questionnaires.

Coded questionnaires are entered into the computer. For those who are qualified; occupation, children and ages, name of spouse, spouses' employer, and other information is entered. This is used as biographical information and supplied to attorneys. Approximately one month after the questionnaires are mailed, a follow-up mailing is made to those prospective jurors to whom a questionnaire was mailed but no response received. This mailing instructs these "no replies" to report to the jury commissioner on a certain date; usually this second mailing results in a returned qualification questionnaire or a telephone call from the prospective juror. Again, as a courtesy to the prospective juror, some questionnaires are completed over the telephone. These additional questionnaires are compiled along with the previous listing. The jury commissioner periodically sends the county sheriff after a final no response if there is evidence that there is a refusal to respond; in most cases this process is generally considered to be a waste of time.

Postcards notify those individuals who are excused from jury duty for a period of one year. The remaining qualified prospective jurors make up the qualified jury roster. A magnetic tape containing the qualified jury roster is prepared by ISSD and sent to the jury commissioner's office to be loaded into the mini-computer. This completes the qualification process.

Currently qualified jurors are summoned for eight weeks of service, although the average length of actual service is

approximately 3.65 days. Once a person has "served" for an eight-week period, he or she is not subject to selection for another two years. Approximately two weeks before an eight-week term of service a specific number of prospective jurors drawn from the qualified jury roster are summoned for a certain attendance date. The selection is random and the number is based on the jury commissioner's calculations of previous summoning yields and the anticipated jury trial calendar.

The computer listing of those individuals summoned, their names and addresses plus pertinent biographical information is made available to the county attorney if requested, and to others for a nominal fee. Some prospective jurors summoned are excused or deferred for later service after they have been summoned but before their actual service. This information is entered into the mini-computer.

On the day prior to the start of a jury trial, trial courts communicate to the jury commissioner with regard to the number and type of cases to be scheduled the following day. Phoenix uses a pool system where prospective jurors may be assigned to various trial divisions. Based upon the jury trial information received, the jury commissioner determines the size of the juror pool necessary to accommodate the jury trials scheduled. No more than 280 prospective jurors comprise a daily pool. Prospective jurors who will make up the daily pool are notified a day in advance by the jury commissioner's office. Notification of prospective jurors is made from a random listing. Prospective jurors who are listed but not reached and those who have requested valid excuses and postponements are deferred for

use in subsequent daily pools. A person who has been chosen to serve on one day is eliminated from selection the following day; this is the only limitation to the service of a particular juror during the eight-week service period. As stated above however, actual average juror service is less than four days.

Prospective jurors comprising the daily pool are seated in the jury assembly area. To verify attendance, role is taken and checked against the computer generated list of those summoned. An orientation of approximately twenty minutes is provided by the jury commissioner to those prospective jurors who are serving as jurors for the first time. After attendance verification, another current listing of prospective jurors present is generated. As each court indicates its readiness to proceed, the prospective jurors are dispersed into panels.

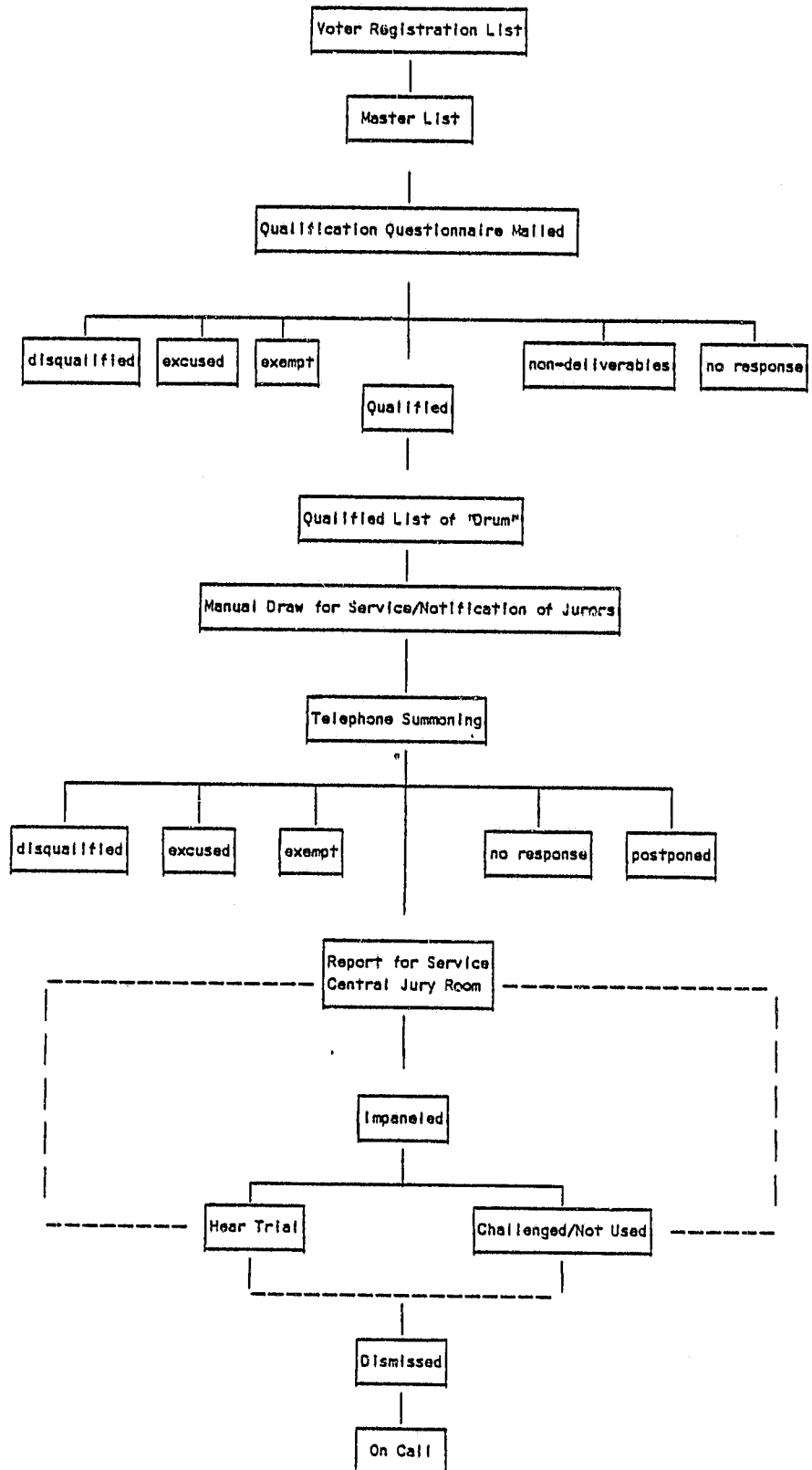
The size of the panel dispatched to the court, that is, the number of actual jurors needed to hear a case, an allowance for alternates, and the number of peremptory challenges allowed to each side, is specified by statute. The jury commissioner sends panels of the following sizes: thirty-six jurors or more for capital offense cases, thirty for major felonies, twenty-six for simple felonies, twenty-three for civil cases, and sixteen for trials in the municipal court. Panel requirements are communicated to the mini-computer. The mini-computer then randomly selects names for assignments and generates individual jury lists for each panel; one copy of this list remains in the jury commissioner's office, two are sent to the

judicial clerk, one to the judge, and one to the court reporter. Additionally, biographical information is printed by the mini-computer and sent to all the courts with the jury lists. The jury commissioner then orally communicates the assignments on the jury list to the prospective jurors sitting in the pool, stating the name of the prospective juror, the trial division to which the juror has been assigned, the location of the courtroom, and the time the juror is scheduled to appear.

Once a jury has been sworn the jury list is returned to the office of the jury commissioner, showing those jurors struck for cause and peremptory challenges, as well as those selected to serve on the jury. Those jurors on the panel who are not sworn as jurors, i.e., those who are not reached, those who are challenged, or those prospective jurors for cases which settle before voir dire, are instructed to return to the jury pool. Their names are reentered into the mini-computer for additional service on that same day.

Jurors in Maricopa County are paid \$12.00 per day and a one-way mileage fee of \$.20 per mile. Payroll procedures are fully automated. At their first appearance in the courthouse, the juror's mileage is entered into the mini-computer. After attendance has been taken, a daily request for payment is entered into the computer.

Pima County Superior Court
(Tucson, Arizona)



Jury Selection and Utilization

Pima County Superior Court

(Tucson, Arizona)

In Tucson, jury selection, utilization and management are the responsibility of the jury commissioner who is appointed by, and reports to, the presiding judge of the superior court. The jury commissioner and court administrator have established a close working relationship in activities that are facilitated by cooperative efforts, e.g., the scheduling of jury trials and notification of adequate numbers of jurors to serve those trials. The jury commissioner's office supplies jurors to the Superior Court and the Justice of the Peace Courts (effective May 1979, the Tucson City Courts will obtain its jurors from the jury commissioner's office also).

Pima County has a population of about 306,000. Currently, the source of prospective jurors is the Maricopa County voter registration list. In 1978, approximately 16,000 names, or five percent of the source list, were drawn to establish the master list of prospective jurors. Effective June 1980, this source will be supplemented with the county motor vehicle drivers license list. A county-wide data processing operation, administered by the county recorder's office, provides access to and selection from the source list(s). New voter registration lists are prepared after every general election; additions are made every six months.

Four times a year the jury commissioner makes a request of the data processing department in the recorder's office for a random drawing of 3,000 names from the source list. This drawing establishes the master list. The data processing department furnishes the jury commissioner's office with a master listing, an individual card for each name drawn, and addressed qualification questionnaires for the names drawn bundled according to zip codes. Qualification questionnaires are mailed via regular first-class mail.

Qualification questionnaires are returned to the jury commissioner's office where they are reviewed and screened. Currently, forty-five to fifty percent of those prospective jurors queried are typically found to be qualified to serve. Excused jurors are notified in writing. Those names to which a questionnaire has been sent but not returned are sent a second mailing, this time by certified mail. Failure to respond to the certified mailing results in a summons to appear in court for the purpose of completion of the qualification procedure. Individual cards with the names of those not screened (i.e., those who are not disqualified, excused, and not responding) are placed into a "qualified drum".

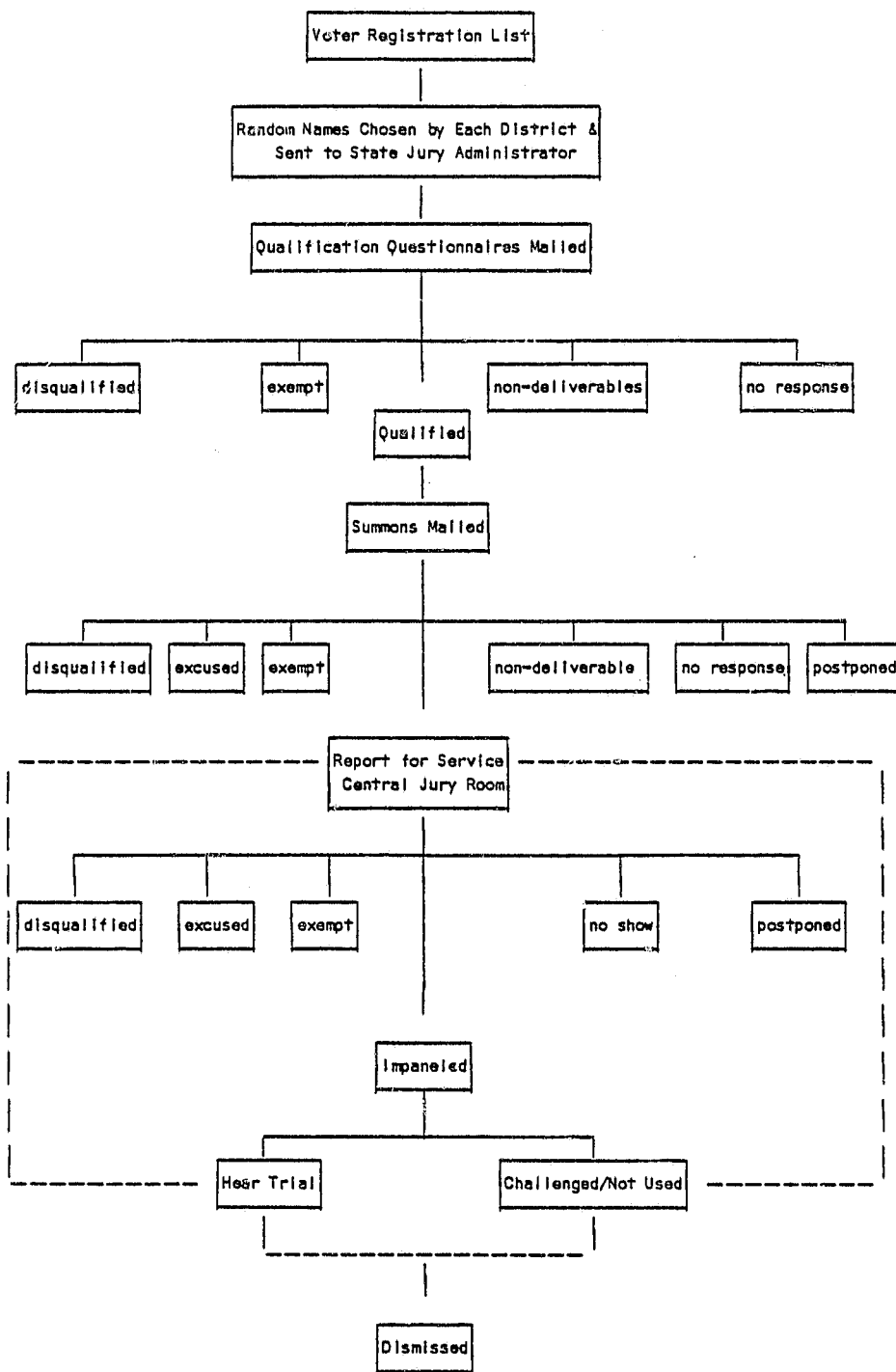
Every two months, approximately 1000 cards are randomly drawn from the qualified drum. Those prospective jurors chosen are notified in writing that they are subject to be summoned by telephone during a period of 120 days. Jurors are actually "on call" for 60 days. Prospective jurors with newly validated excuses or requests for postponements must contact the jury commissioner in writing.

Pima County maintains a daily juror pool whereby jurors may be shared by the various divisions of the court and "reused" a number of times within one day of service. Prior to a juror service day the court administrator informs the jury commissioner of the number and types of jury trials scheduled for the following day. The jury commissioner then determines the number of jurors to be summoned to the following days' juror pool. The number of jurors needed for the daily pool are randomly drawn from those jurors "on call" and notified a day in advance of their service by staff of the jury commissioner's office or designated bailiffs. Jurors selected but not contacted by telephone are summoned in writing to the court for a specified date.

On each day of service jurors summoned to the court report to the jury assembly room. After attendance is taken, a thirty to forty-five minute orientation presentation is made by the jury commissioner or a deputy. Jurors in the daily pool are then randomly assigned to panels requested throughout the day. Jurors are assigned to another panel if necessary.

Although jurors in Pima County are "on call" to serve 120 days, the average actual service in the courts is less than 5 days. Juror fees in Pima County are \$12.00 per day with a mileage supplement. Payment of jurors is made on demand by means of vouchers validated by the jury commissioner and cashed by the county treasurer.

Hartford Superior Court
(Hartford, Connecticut)



Jury Selection and Utilization,
Hartford Superior Court
(Hartford, Connecticut)

Voter registration is the sole source list for prospective jurors in Connecticut. This list is maintained locally by each town. The jury system in Connecticut is partially statewide; that is, some of the process (qualification and mailing of summons) is handled by the State Jury Administrator's Office (S.J.A.) in Hartford and the individual court districts handle concerns specific to their courts (excuses, postponements, jury pool and panel calls). This description for Hartford will include information on the state's responsibility as well as the process particular to the Hartford District.

The annual process of qualification of prospective jurors in Connecticut is performed by the State Jury Administrator's Office and the individual towns in Connecticut. Each town sends the S.J.A.'s office a list of names selected at random from the locality's voter registration list. This list of prospective jurors from the voter registration list contains twice as many names as the locality perceives it will need for the upcoming year of jury service. The doubling of the list is due to the state statute requiring that fifty percent (no more, no less) of the list be qualified for jury service. The statute also requires that each town must submit a specific percentage, based on population, of the total registered voters to be called in a district for the year. The list of registered voters drawn for each town is sent to the S.J.A.'s office where it is computerized and the qualification questionnaires are mailed.

The qualification questionnaires are returned to the S.J.A.'s office where they are classified as qualified or not qualified. If more than or less than fifty percent of the list for any one town is qualified, the qualified list is sent to the jury commission for the district (eight jury commissions in the state) where it is reduced or added to in order to reach the number (fifty percent) required by statute. This procedure of selecting names to be omitted from or added to the list (very rarely does a district need to add names to reach the fifty percent requirement) is performed at the discretion of the jury commissioners. The S.J.A.'s office has no control over this procedure. After a fifty percent qualified list is reached, the eight jury commissions return the annual qualified list to the S.J.A.'s office where it is computerized. The S.J.A.'s office then maintains the annual list of qualified jurors for the State of Connecticut.

Every two weeks each district makes a written request to the S.J.A.'s office for the number of jurors needed. This request specifies the number of persons to be drawn for each town (percentage based on population) from the qualified list. The S.J.A.'s office inputs this information on an office terminal and the names are selected randomly from each town, recorded on a master list, and the summonses are printed. The summonses are mailed to prospective jurors and the master list is sent to the district requesting jurors. From this point the system is handled on the district level by the superior court clerk's offices.

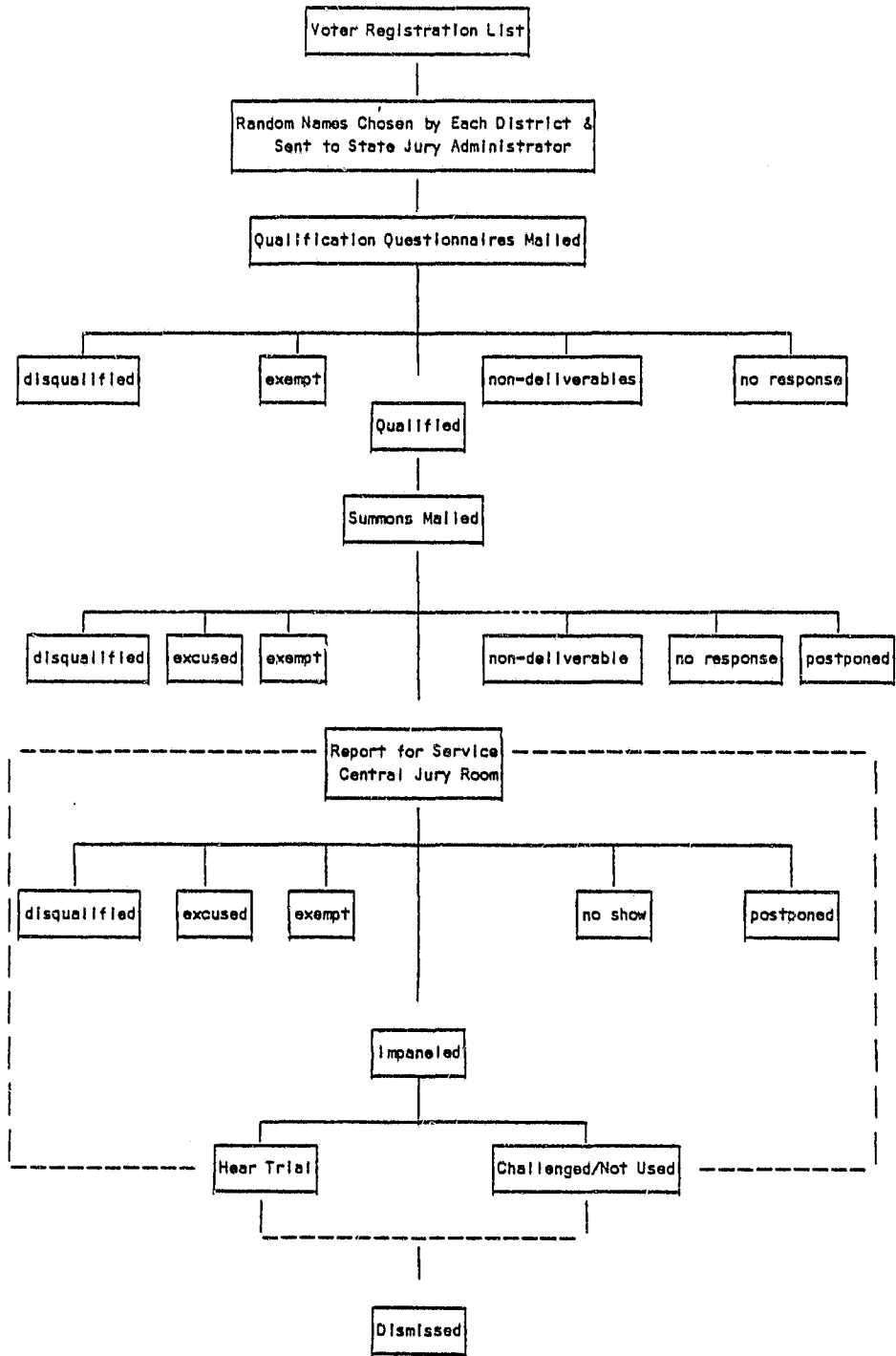
In Hartford, the jury clerk receives written requests for excusal and postponement before the jury service date. The acceptance or

denial of these requests is mailed to the prospective jurors and noted on the master list. Unless excused or postponed in advance by writing, the prospective juror is instructed to report to the jury room in the Hartford Superior Court.

Prospective jurors report for a four week term. Orientation includes a film and a discussion on jury service by one of the judges (rotational basis). At this time the judge will hear further requests for excuses and postponements. Excusals and postponements are noted on the master list. As each prospective juror reports for service, a ballot with the jurors name printed on it is placed in a ballot box. When a judge calls for a panel, the jury clerk draws ballots from the box for the number needed on the panel. These names are called and prospective jurors are sent to the courtroom for voir dire. If not used or challenged, the prospective jurors report back to the jury room to wait for another panel call. All prospective jurors will be called to serve on a panel before anyone serves twice.

A note on voir dire in Connecticut: By statute, Connecticut conducts individual voir dire as opposed to group voir dire. This is a lengthy process and results in an unusually high demand on the jury pool. Generally, a panel of twenty-five is requested for a six-man jury trial. Although the jurors are being utilized, their time is utilized more in voir dire than in trial. (On the average, eight or more hours are spent in voir dire for a criminal case; three or more hours in a civil case). The Jury Usage Index measures efficiency based on the number in trial rather than the number in voir dire thus inflating (perhaps unjustly) the JUI for a particular court in Connecticut.

Waterbury Superior Court
(Waterbury, Connecticut)



Jury Selection and Utilization,
Waterbury Superior Court
(Waterbury, Connecticut)

The Office of the State Jury Administrator annually receives twice the number of prospective jurors that the District of Waterbury perceives it will need. The number needed is doubled due to the state statute which provides for a fifty percent qualification of the list. If the qualification yield is higher than fifty percent then names are dropped randomly; if the yield is lower than fifty percent, each district, through veniremen, is expected to "randomly" make up the difference. [Waterbury has never had to "find" more jurors]. The state jury administrator is responsible for mailing the jury qualification questionnaires and completing the list of qualified jurors by district (This process is described in detail in the description for Hartford).

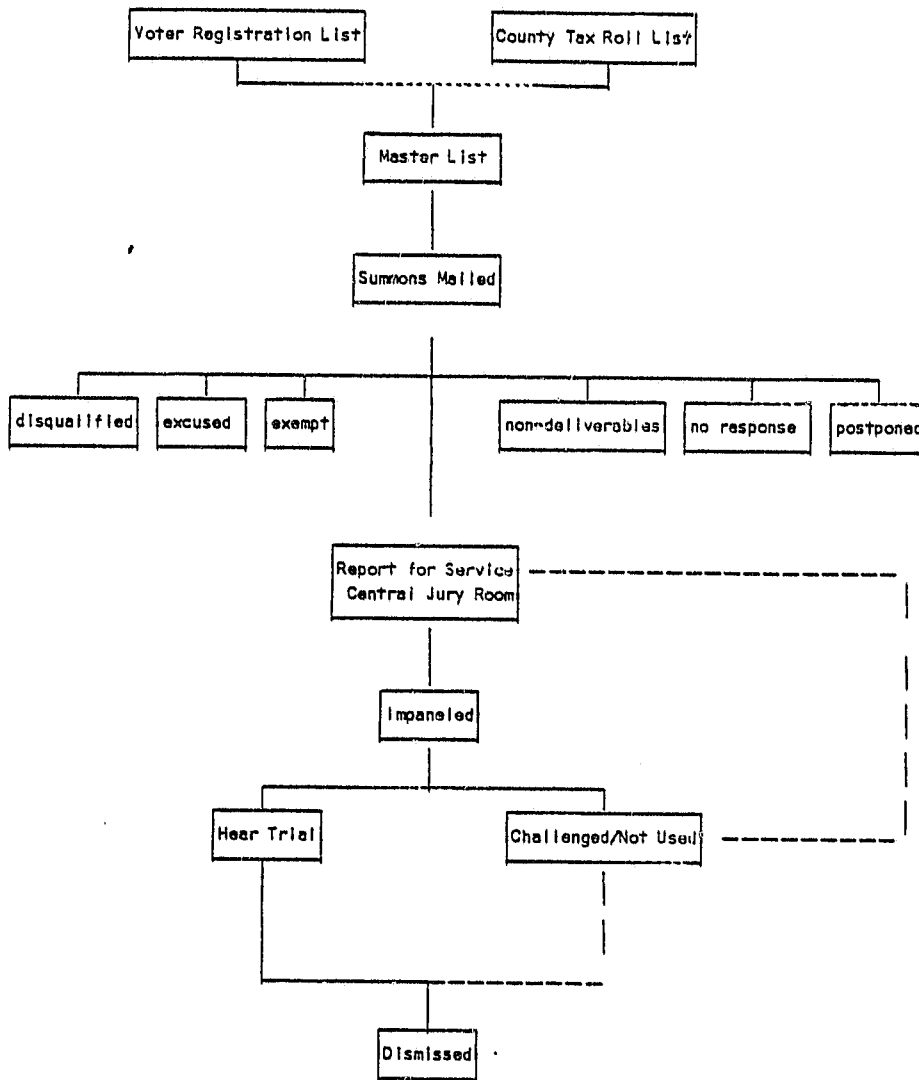
Although the term of service is four weeks, courts in Connecticut call in jurors every three weeks. This provides a continuous one-week overlap to allow for a trial going over into another term of service. The summoning process in the District of Waterbury, as in most districts in Connecticut, consists of the superior court jury clerk mailing a "request for summons" form every two weeks to the state jury administrator's office. On this form the jury clerk indicates the number of persons to be summoned from each town within the Waterbury District. Upon receiving this information the S.J.A.'s office uses the computer terminal on location to feed in the Waterbury

information. Summons are then prepared by the computer and a master list of those summoned is created. This master list is mailed to Waterbury.

Prospective jurors are instructed on the summons to appear in the Waterbury Superior Court jury room on a specific date unless they write the jury clerk requesting an excuse or postponement. All excuses and postponements are handled by the chief clerk and the judges. On the first day of service the judge conducting orientation also hears request for excusal. All prospective jurors receiving excuses or postponements are noted on the master list.

Upon reporting for service jurors see an orientation film and are given further orientation by a judge (judges rotate this responsibility). As a judge needs a panel, he indicates the number of panelists and time needed to the assistant clerk who notifies the deputy sheriff assigned to the jury pool. The panel is selected randomly by the jury clerk who picks ballots (one in the box for each juror) from a box until he/she has the number requested by the judge. These names are called by the jury clerk and panel members are told to which courtroom they are to report and its location. As jurors are challenged or not used they report back to the deputy sheriff in the jury room. All prospective jurors will serve on a panel before any prospective juror serves a second time. This process continues for four weeks. Jurors may be dismissed in the afternoon if the jury clerk perceives there will be no more panels called that day; however, it is rare for jurors to be dismissed for an entire day.

Jefferson County Court
(Louisville, Kentucky)



Jury Selection and Utilization,
Jefferson Circuit Court
(Louisville, Kentucky)

Prospective jurors for the sixteen trial courts in the Jefferson Circuit Court are selected from the county tax roll list provided by the county court clerk and the voter registration list provided by the state. The procedures for the selection of sample lists are as follows:

- 1) The tax roll is a compilation of all tax districts. Each district is made up from a specific personal property list, i.e., cars, houses, boats, etc. Duplications are not struck from the master list by computer. Each year the data processing unit is notified of the prospective juror needs for the following year. A percentage (depending on the courts' needs) of names are selected from each tax district. From this list, the computer draws every thirty-fifth name. This list is then sorted by name and compared with the sample list from the last three years. The sample size in 1976 totaled 16,490.
- 2) The master list is grouped in alphabetical order by precinct. Individual jury lists are ordered. They are selected by computer by precinct from the master list.

Terms of jury service run two weeks unless there are unusual circumstances preventing this. As a general rule, the civil and

and criminal courts schedule trials throughout the year, assigning cases Tuesday through Thursday.

Five weeks prior to the jury term the trial schedule for each court is obtained. The number of summonses to be mailed is ascertained from the trial information.

The jury list is taken to the sheriff who issues summons by first-class mail. The summons directs the juror to report on a specific date to the jury lounge at 8:00 A.M. A juror information form is attached to the summons. If an excuse or disqualification is requested, the form and the request are to be completed and returned to the jury office. The chief judge approves the requests and the prospective jurors are notified by mail. Jurors may also have their service postponed. Generally excused are jurors in the following categories: 1) full-time students; 2) mothers with preschool children; and 3) employees whose pay would be withheld. Under Kentucky statute, those disqualified are the following: 1) noncitizens; 2) nonresidents; 3) unpardoned felons; 4) under indictment; 5) physically or mentally handicapped; 6) unable to speak and understand English; or 7) those who have served within the previous year.

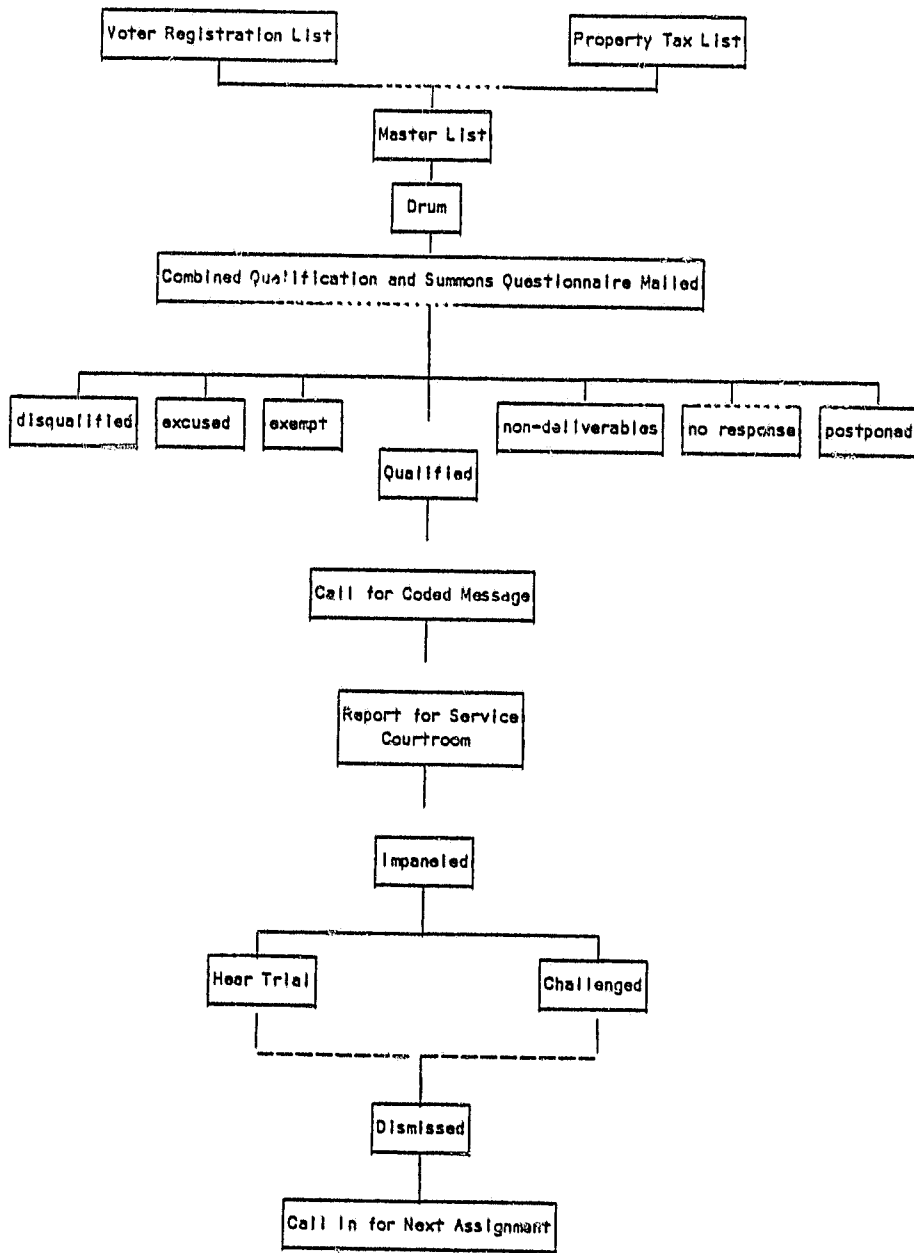
Once the enrollment process has been completed, an orientation slide show is shown. A judge then welcomes the jurors and comments on their role in the judicial system. Additional requests to be excused are heard by the judge.

A judge has his sheriff report to jury room and notify the jury clerk when it is determined that a jury panel is needed. The jury clerk assembles the panel by randomly drawing X on juror information form. The forms are xeroxed for voir dire and given to the bailiff. The bailiff then escorts the jury panel to the respective courtroom.

Once voir dire is completed, the bailiff returns all remaining jurors to the jury pool lounge. The assistant court administrator records on the jury panel from the time the jurors return to the jury pool lounge. These jurors either are placed on a new panel as needed or are released with instructions to return to the jury pool lounge at 9:00 A.M. the following morning or to call the courthouse for further instructions.

On the last day of the jury term, the clerks complete a payroll form. This is signed by each juror and money due is tabulated. Attendance is marked from a sign-in sheet and on the last day of the jury term the clerks complete a payroll form. Jurors must wait for their checks in the event of an open court. Usually though, this can be completed within one hour of opening court. Jurors are paid \$12.50 for reporting for service even if they are not used and are immediately excused for the day.

Fayette County Circuit Court
(Lexington, Kentucky)



Jury Selection and Utilization,
Fayette Circuit Court
(Lexington, Kentucky)

The county voter registration lists and the county property tax rolls serve as the source of prospective jurors for Fayette Circuit Court. Once every year by November 15, three jury commissioners appointed by the chief judge (in 1976, a bank president, a black housewife and a retired Army colonel served as commissioners) examine computer printed lists of county registered voters and county tax rolls and select the names to be included in the master list. This selection is arbitrary, perhaps unbiased. The lists are ordered by precinct and the commissioners attempt to select a number in proportion to the precinct's population. Individuals who have served within the last twelve months are excluded at this stage. Property tax rolls are not utilized in any systematic fashion to supplement the voter registration list.

The names selected by the commissioners are typed on labels, inserted into small capsules, and placed into a drum. The minimum number of names selected for the drum in the Fayette Court is 3,700.

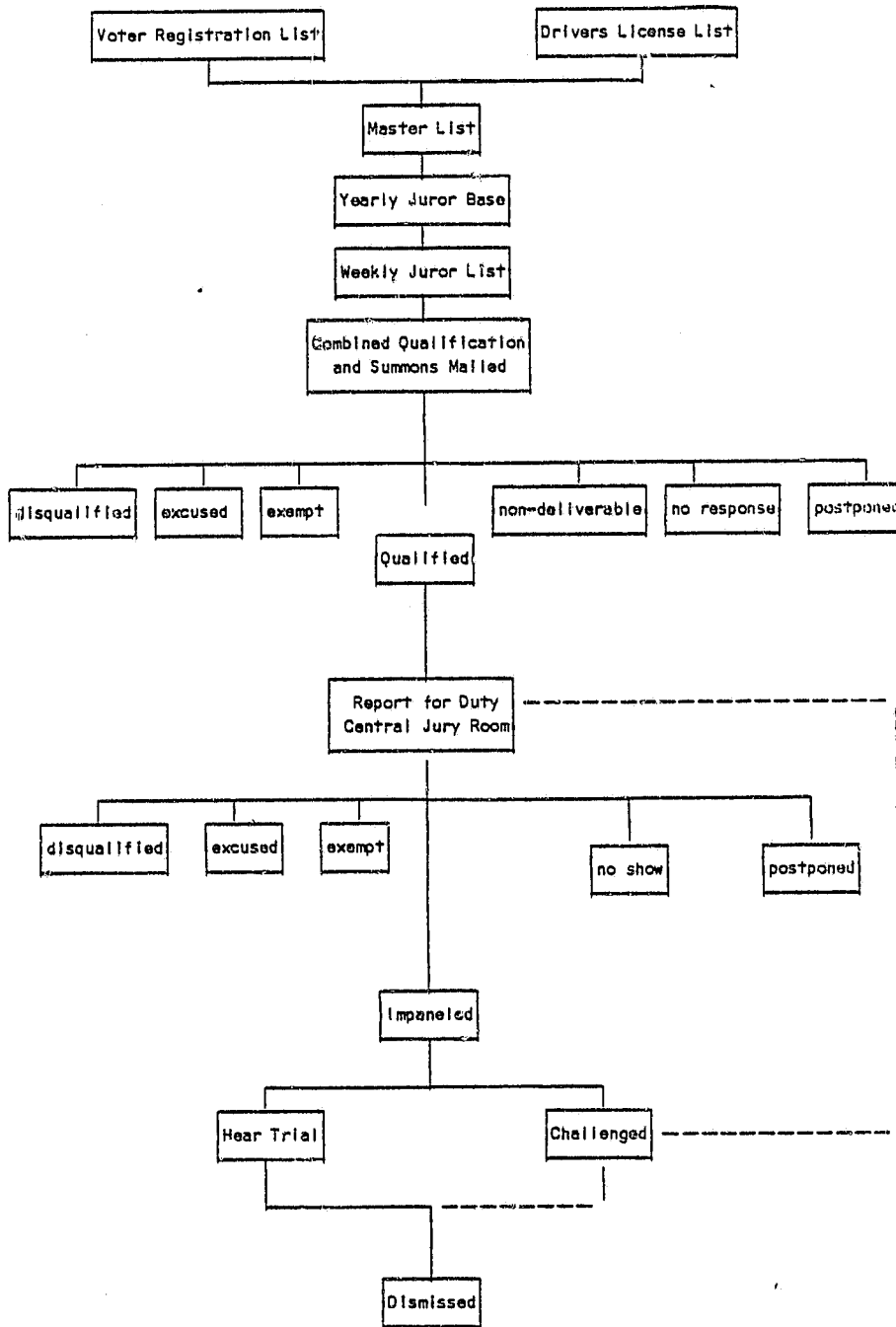
The Fayette Court uses a one step qualification-summoning procedure. Once every month jurors are summoned to the court for a one-month term of service. Actual duration of service is approximately seven to eight days. Those to be summoned are drawn by lot from the drum and sent summonses via regular first-class mail. Along with the summons, the prospective juror receives a qualification

questionnaire. Individuals who fail to respond to the summonses are served personally by the sheriff.

The summonses inform the prospective jurors of their assignment to one of two judges, each responsible for approximately one-half of the "pool" of jurors. Each month, one judge is typically assigned to criminal trials. This judge maintains one panel or one-half of the "pool." The other judge controls the other half of the pool and handles all cases other than the criminal cases. The prospective jurors are informed that they "may be used in several divisions of this court and also for jury trials in District Court." They are also informed to call the court during their term of service and receive a recorded message informing them of their obligations on a day-by-day basis. Only the jurors needed are summoned to the courthouse. Jurors summoned may request excuses. Requests are typically made in writing to the court administrator and are either granted, denied, or the service is postponed.

On the first day of service, prospective jurors, summoned and informed by the recorded telephone message, convene in the courtroom of the judge to whom they have been assigned and are oriented by the assigned judge. At this time prospective jurors may be impaneled in the court of their assigned judge or sent to another courtroom. Sharing of jurors occurs between "panels" assigned to the two judges; additionally, each panel is utilized as a traditional juror pool would be utilized.

St. Louis County Court
(Clayton, Missouri)



Jury Selection and Utilization,
Clayton County Court
(St. Louis, Missouri)

The St. Louis County Court in Clayton enlarged its juror pool from which jurors are selected by merging the drivers' license file with the registered voters file. This new master file contains 766,000 names from which prospective jurors are chosen. In January of each year, 100,000 persons are selected from the merged computer files by using a random selection program, and all jurors for the year are selected and called from that 100,000 names. The selection is made six weeks in advance of the service date and again it is made by a random computer program. Names selected are then eliminated from the file for the balance of the year so that no one person is called more than once during a calendar year.

For each jury week combined qualification questionnaires and summonses are sent to a predetermined number of persons (approximately 11,000) to provide the desired number of jurors to serve on Monday and Wednesday. The combined qualification and summoning process includes sending a biographical information questionnaire to each prospective juror and a summons which includes information on disqualifications and exemptions. The following statutory conditions would cause a person to be ineligible for service: a) conviction of a felony and not restored to civil rights; b) unable to read, write, speak and understand the English language; c) active duty in the armed services of the United States; d) licensed attorneys at law; 3) judge of a

court of record, and f) mental or physical illness or infirmity. If the juror is eligible to serve, he or she will complete the short questionnaire indicating: a) marital status, b) employer, c) occupation, d) spouse's occupation, e) number of children, f) when last served on jury, g) whether related to police officer, and h) whether the juror drives a car.

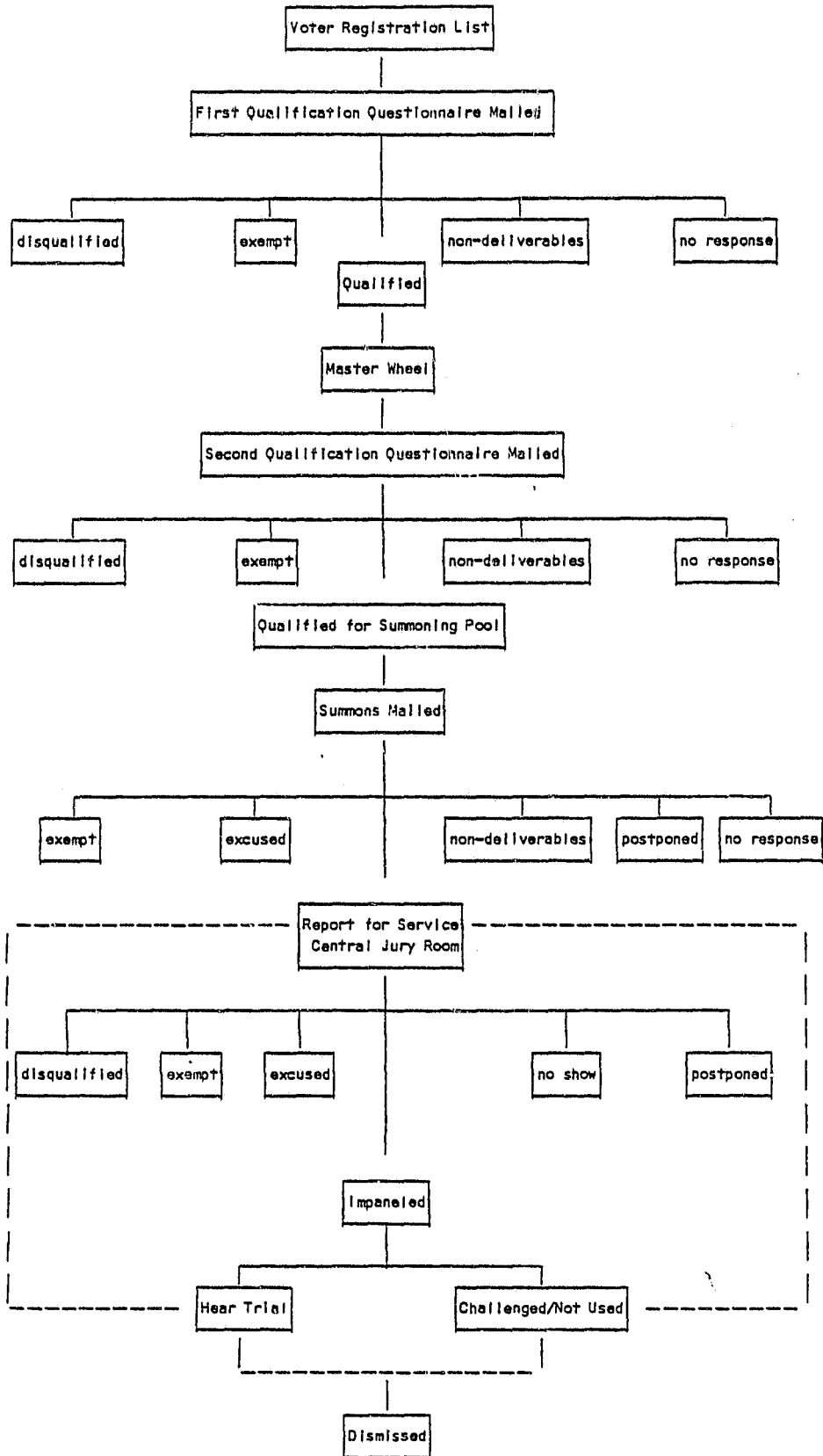
The usual number of jurors required to service the Circuit Court and Magistrate Court is two hundred on Monday and one hundred on Wednesday. As the jurors report to the Central Jury Room, they are checked in and any corrections or additions to the biographical information are entered. As a panel is requested by court, the panel list, including biographical information, is printed using a program that scrambles and prints the names of the requested number of panelists. A juror reporting on Monday, not serving in a trial by Tuesday afternoon, is excused from further service since a new panel reports Wednesday morning.

Twenty-five percent of the jurors summoned to report on Wednesday receive a notice to call the court on Tuesday night if they desire to be excused. The answering service (code-a-phone) is programmed to instruct those jurors whether to report on Wednesday.

At the time a juror is excused from further service, an entry is made on the on line-terminal and payroll information is automatically recorded. Simultaneously, the biographical information is purged from the computer and it is cleared for the next jury reporting.

Payment of jurors is \$6 per day plus mileage and is completed approximately two weeks after service.

St. Louis City Court
(St. Louis, Missouri)



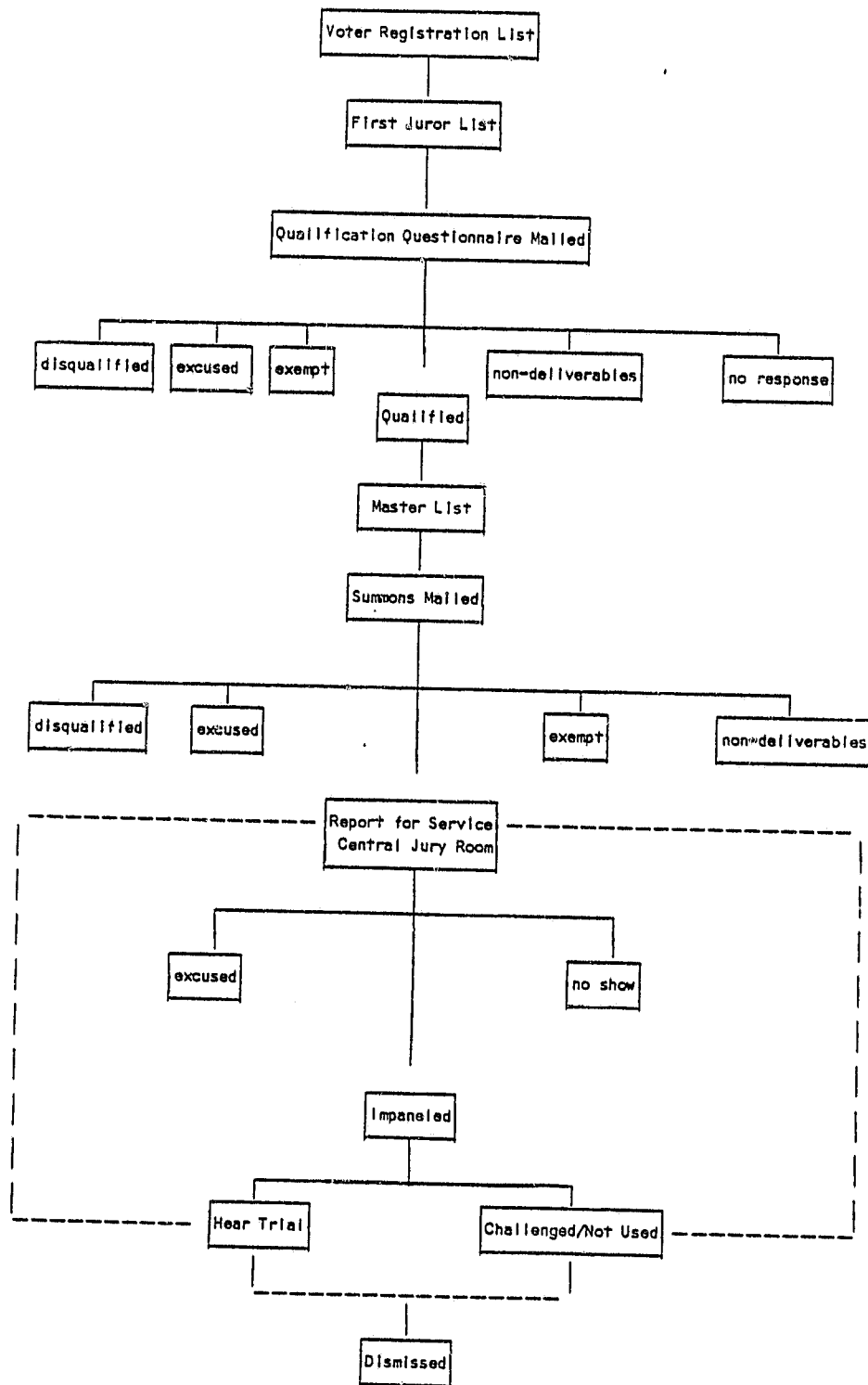
Jury Selection and Utilization,
St. Louis City Circuit Court
(St. Louis, Missouri)

The sole source list for prospective jurors in the St. Louis City Circuit Court is the voter registration list. The active juror wheel of 165,000 is updated annually. The jury commissioner is responsible for estimating the number of prospective jurors needed annually and mailing the qualification questionnaires. The name of each person qualified at this step is placed on a ballot and put in the master wheel for the year (approximately 45,000 names). Each week the jury commissioner draws a number (approximately 500) of qualified ballots from the master wheel. Those persons drawn are sent a second qualification questionnaire, of which approximately 450 are qualified. Those qualified are sent summonses instructing them to report to the Central Jury Room on a specific date (three weeks hence) for a one-week term of service. Postponements can be requested in person to the jury commissioner. Approximately 325 prospective jurors report each Monday at which time further requests for excusal or postponement are heard by the jury commissioner. Jurors are checked in and assigned a badge with a number corresponding to the identification number on the summons. Simultaneously, a "ballot" with the same number is placed in the jury wheel in the Central Jury Room.

As the judges require panels, bailiffs notify the central jury room and the panel list is made up by drawing ballots from the jury

wheel. The number of jurors selected for a panel is set at thirty for criminal cases and twenty for civil cases. As the ballots are drawn from the wheel, the panel list is typed and jurors are called and instructed to report to a specific courtroom. Jurors report back to the Central Jury Room after trial for further instructions.

Middlesex County Court
(New Brunswick, New Jersey)



Jury Selection and Utilization,
Middlesex County Court
(New Brunswick, New Jersey)

The selection and utilization of juries in the Middlesex County Court are governed generally by statutes and the Manual on the Selection of Grand and Petit Jurors developed by the New Jersey Administrative Office of the Courts in 1973. Revisions of the manual to prevent alphabetical bias and nonrandom selection was effected by Middlesex Court personnel in 1978.

Voter registration lists, according to municipalities, are the sole source of prospective jurors. From these lists, the selection of prospective jurors is made in accordance with the selection procedure described below.

Three times a year, the assignment (chief) judge determines the jury requirements for the next four-month court session.

Four factors determine how many jurors are needed:

1. Are there any cases which will require a much larger number of jurors because of notoriety, etc.?
2. How many judges are hearing civil cases and how many are hearing criminal cases? This question relates to different jury sizes needed in civil and criminal cases.
3. The use of any additional information received from personnel with knowledge of the civil and criminal calendars.
4. Past experiences with juror utilization.

If, for any municipality or ward within a municipality, the number of prospective jurors returning questionnaires is abnormally low, or the number of prospective jurors who are ineligible, disqualified, or excused from service is abnormally high, the jury commissioners notify the chief judge. Upon his authorization, the jury commissioners can send a greater number of questionnaires to that municipality or ward so it will be proportionately represented in the pool of qualified jury questionnaires from which selection of jury panels will be made.

The next step is the actual selection of names from the voter registry for each municipality. The data processing department has overall responsibility for selection of names from the municipally maintained voter registries and for the handling of the questionnaire and summons. The jury commission clerk informs data processing of the number of questionnaires to be sent to each municipality. The number is predetermined by how many jurors should be taken from each municipality based on its percentage of the county's population. Names are selected using a random start-fixed interval procedure. The jury commission clerk provides data processing with the random starting numbers obtained from the assignment judge.

The jury commission, consisting of the chief clerk and two assistants, have the overall responsibility for developing and maintaining the pool of qualified prospective jurors. When the computer prints the requested number of questionnaires, a list of the names and addresses of those voters receiving questionnaires is also printed. The returned questionnaires are checked against this list.

If, by the end of a certain time period, a questionnaire has not been returned, a second questionnaire is sent. The number of voters who fail to return either questionnaire has been termed "insignificant." There is no follow-up procedure beyond the second questionnaire.

The jury commission reviews the returned questionnaires. Those questionnaires which are rated as "qualified" are returned to the computer room where keypunch operators feed the occupation code and any changes on to punch cards. No attempt is made to verify the information supplied on the questionnaire. If the respondent is found to be unqualified, the reasons are noted on the computer list. No evaluation of the responses is kept. The "qualified" questionnaires are sent to data processing for keypunching. When the panels are picked, the questionnaires are sorted and stored. However, they are rarely used for verification in excusing, although they are available.

The master list of qualified jurors is then sorted and reduced to the size requested by the assignment judge. The computer sorts the list into ten subpanels.

The sheriff's office receives computer printed summonses along with a list of names and addresses of the summons recipients drawn from the master list. The summonses and the list are taken to the post office where the summonses are counted and checked against the list. Each page of the list is stamped by the postal clerk to indicate receipt of the summonses listed. Postage fees are paid from an account maintained for this purpose by the sheriff's office.

The post office makes two attempts to serve the summonses. Those summonses which have not been served are returned to the sheriff's

office approximately one week prior to the commencement of the jury's service. For those summonses successfully served, the receipts are returned to the sheriff's office where they are checked against the computer printed list and stored. Copies are made of the summons and attached to the original. They are then distributed among the deputy sheriffs who act as process servers according to the area they cover. Their report on service is placed on the back of the copy which is then filed in the manner of the returned receipts.

On Wednesday or Thursday preceding the start of jury service, a list of those summonses which remain unserved is prepared listing the jurors not served, and the reasons for nonservice. The word "pending" indicates that neither the summons nor the receipts were returned from the post office.

On the date of service, a list of those jurors not reporting is prepared by the clerks taking attendance in the jury assembly room. The report is then forwarded to the presiding judge who then forwards it to the sheriff's office. This is checked against the list of people not served by the post office. If a reason for the juror's nonappearance can be determined, it is reported to the judge. The judge has the option to detail a deputy sheriff to bring the absent jurors in, an option which is rarely exercised.

When a prospective juror is summoned for jury service, he is admonished on his summons that he must appear in person to be excused from service. However, jurors can and do request to be excused by

writing to the judge in charge of the jury prior to the date of service. Every month an average of 200 to 275 jurors out of 550 to 600 summoned submit written requests to be excused. Many more prospective jurors may telephone the judge and they are discouraged from writing if their excuses are deemed insufficient.

Of those requesting to be excused, a certain number of these requests are handled automatically; such as a situation when the juror is no longer residing in the county. The great majority, however, do require an exercise of discretion in deciding the merits of the request. While the summons indicates that such discretion rests solely with the judge, often the demands on the judge's time are such that his secretary will have to decide on the merits of the request with little or no guidance from the judge. There are no formal guidelines upon which to determine whether a juror's request merits excusing. The decision is usually made with minimal, if any corroboration. This means the judge or his secretary must rely upon the honesty of the writer. Assuming the legitimacy of the request for excuse, there is no set criteria to evaluate the merits of the request, and each judge generally has his own standards, usually his past experience, upon which excuses are judged. Juror questionnaires are available to the judge upon request but are rarely, if ever, consulted.

Letters from doctors requesting excuse of a juror are usually granted automatically. One secretary voiced what is probably a common fear that a juror's service might lead to an aggravation of the condition, and the possible liability of the county. Letters written

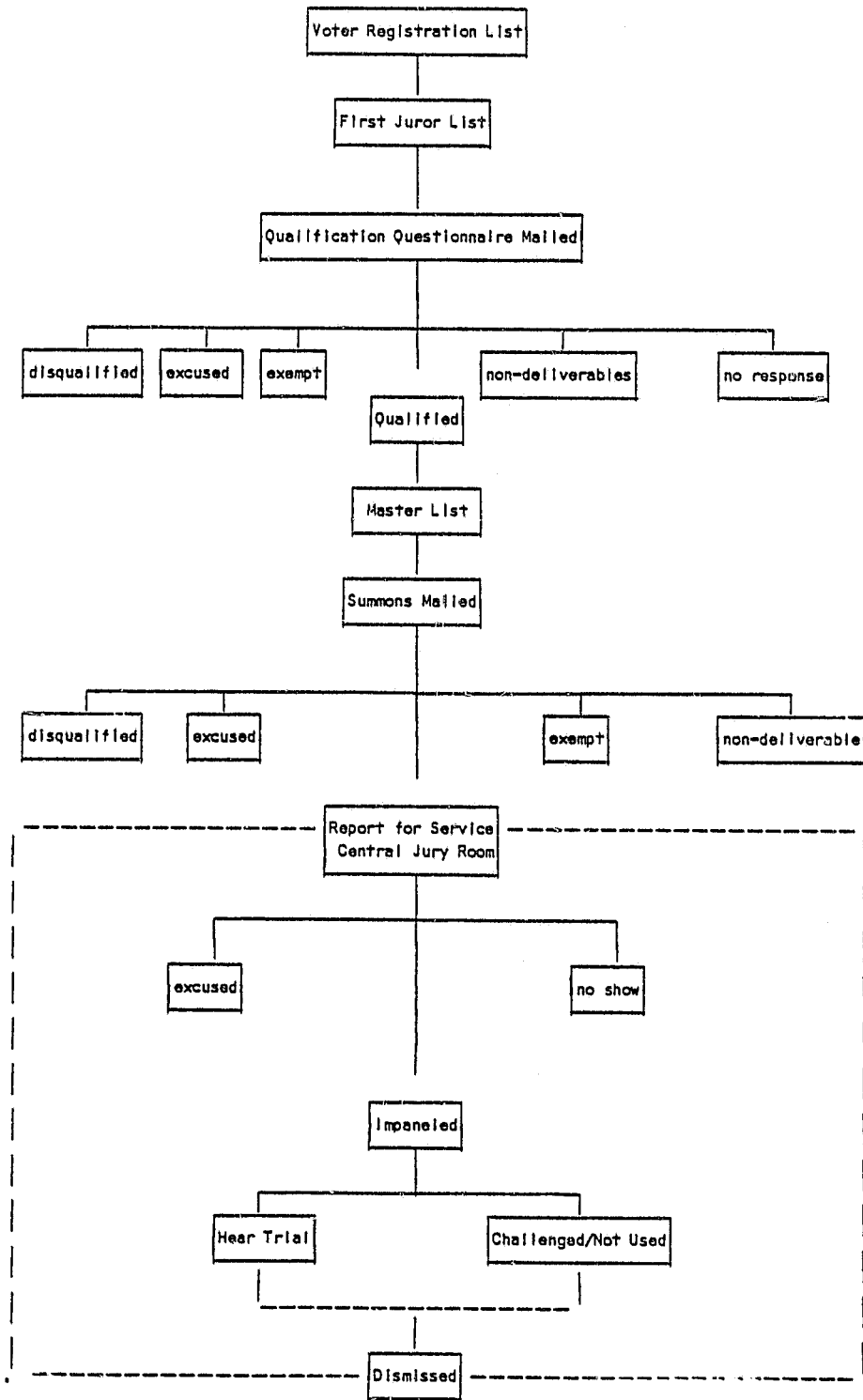
by attorneys on behalf of jurors are also usually honored. After that, it becomes a matter of the judge's particular preference. Self-employed individuals are generally excused. However, people who earn a living on commission, i.e., sales, may or may not be excused. Tradespeople, such as plumbers, carpenters, or people who are paid only if they work, are generally excused while a student may or may not be excused. Some requests are set aside until later when an idea of the number of excuses becomes clear. If a smaller number than usual have been excused, then the excuse will be granted. However, if the number is greater than usual, then it will not be granted.

Jurors whose request for an excuse is denied are usually advised that they may renew their application on the day of their service. Judges do not ordinarily advise jury room personnel that the juror has previously been denied.

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Union County Court
(Elizabeth, New Jersey)



Jury Selection and Utilization,
Union County Court
(Elizabeth, New Jersey)

The selection and utilization of jurors in Union County are governed by statute and the Manual on the Selection of Grand and Petit Jurors developed by the New Jersey Administrative Office of the Courts. This latter document is loosely adhered to in Union County.

Voter registration lists, maintained according to twenty-one municipalities in Union County, are the sole source of names of prospective jurors. In October 1976 this source contained 286,422 names. Three times a year approximately 20,000 to 30,000 names to be sent questionnaires are selected randomly by computer. Selection is made proportionately according to the population of the municipality.

If, for any municipality or ward within a municipality, the number of prospective jurors returning questionnaires is abnormally low, or the number of prospective jurors who are ineligible, disqualified or excused from service is abnormally high, the jury commissioners notify the chief judge. Upon his authorization, the jury commissioners can send a greater number of questionnaires to that municipality or ward so that it will be proportionately represented in the pool of qualified jury questionnaires from which selection of jury panels will be made. In Union County this formal procedure is not strictly followed. The court administrator simply determines the existence of a disproportionate yield from any municipality - in Union County the cities of Elizabeth and Plainfield typically return a low

yield - and compensates by sending such a municipality a higher number of questionnaires.

The jury commission clerks, under the supervision of the court administrator, review the returned questionnaires, and place the names of qualified prospective jurors into an "active file." The approximate number of names in the active file is 17,000. Names in the file for a year or more are purged.

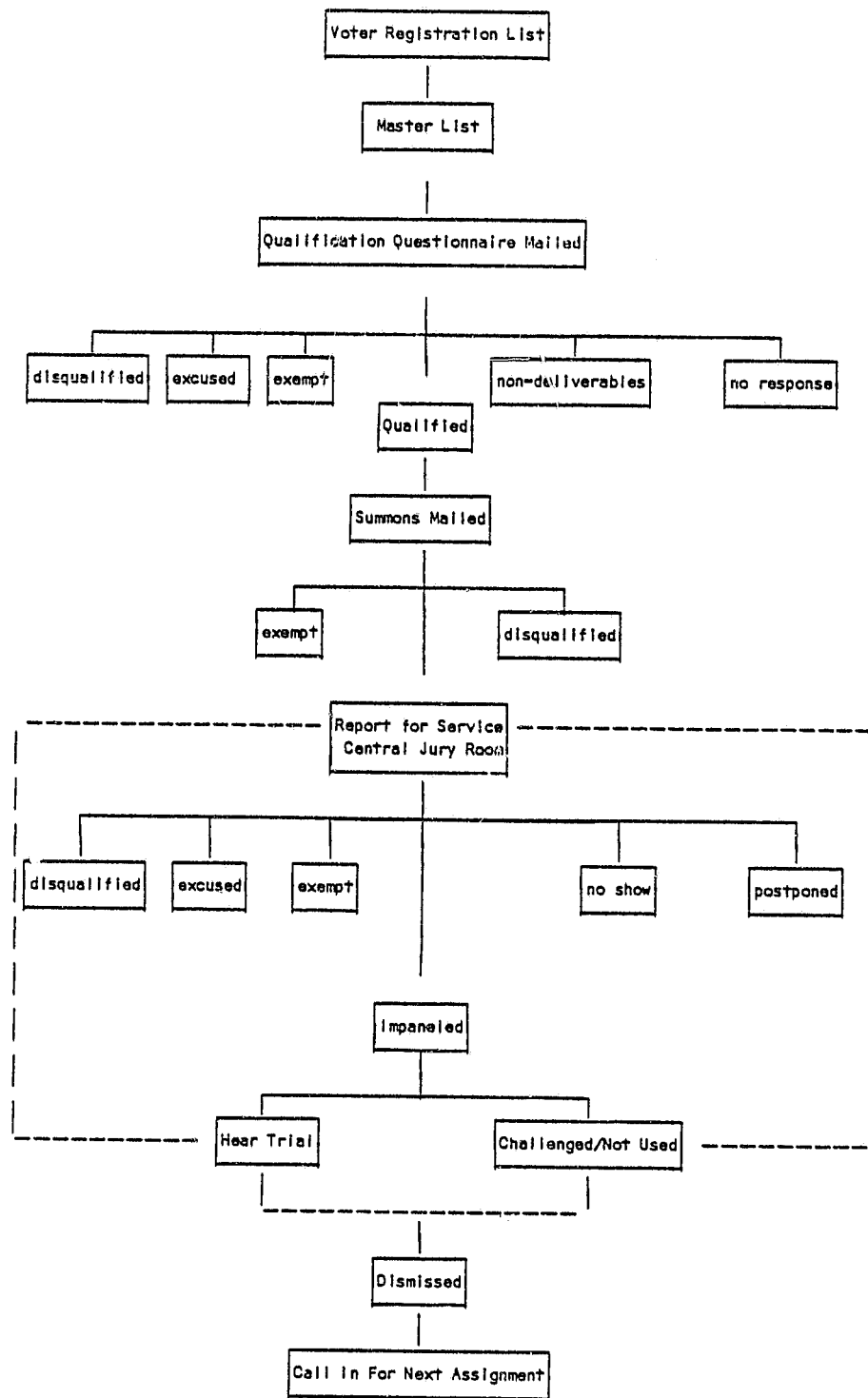
Three times a year, the court administrator determines the number of jurors required for the next four months. The determination is translated into a number of "panels" each containing the names of 500 prospective jurors. At least fifty percent of the names are placed into a master file. Again this selection from the "active file" to generate the master file is accomplished by computer according to municipality voter registration. The assignment judge reviews the master list to determine additional disqualifications. In practice, no juror is disqualified at this stage.

The court administrator sends out approximately 500 summonses by first-class mail for a two-week term of service. Approximately 220 to 250 prospective jurors arrive in the courtroom in response to the summonses. Jurors report to the assembly room on the first day of service, are shown a film, and are further oriented and instructed by the sheriff and county clerk (elected officials). The county clerk's office assumes the responsibility and control of the jury room, attendance, selection of panels by lot (pellets drawn from a wheel), and the dispatch and receipt of jurors from the courtroom. The sheriff's office manages the summoning procedure, handles the payment

of jurors, as well as the movement of jurors between the assembly room and the courtroom.

In addition to the judges, three departments are involved in jury utilization and management in Union County: the offices of the court administrator, the sheriff, and the county clerk. Union County is one of the few counties in New Jersey that has eliminated the office of the jury commission.

Summit County Common Pleas Court
(Akron, Ohio)



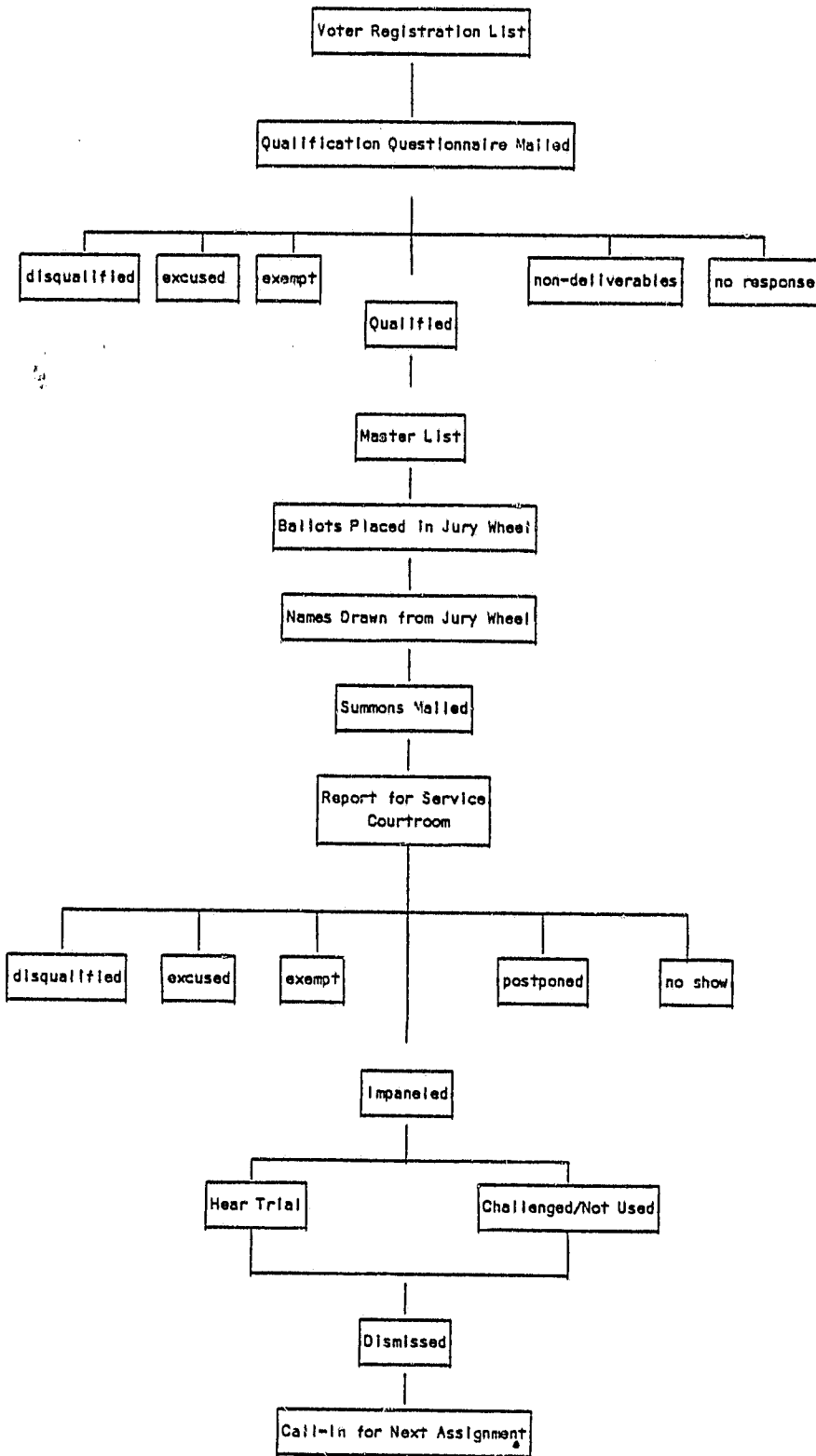
Jury Selection and Utilization,
Summit County Court
(Akron, Ohio)

Under the Ohio revised code, Summit County uses only the voter registration list as a source of potential jurors. The voter registration list is computerized and updated annually. In April, qualification questionnaires are sent to approximately 17,000 registered voters chosen randomly, from which approximately 9,000 are qualified for jury service. Those categories not qualified include excuses and statutory exemptions. Those qualified for jury service are then placed on a master list for the year. Every three weeks, 250 of those qualified for jury service are mailed summonses and instructed to report to the Summit County Courthouse Jury Room on a specific date.

At the summoning stage, a few summons are returned by those exempt or disqualified. Those requesting excuse from service or postponement must report to the Jury Assembly Room on the day specified in the summons. The judges alternate responsibility for orientation and the granting of excuses during the first day of the three week term. During orientation prospective jurors are instructed to call each day after 4 P.M. for instructions as to whether to report the following day; if reporting, to which court and at what time. Therefore all prospective jurors are "on-call" for three weeks but actual service will vary. After serving on a jury or being

challenged or not reached all jurors report to the Jury Room or remain on call for further instructions from the jury bailiff. If there is no need for jurors for the remainder of the day, the jury bailiff will excuse those jurors and instruct them to call in after 4 P.M. for the following day's assignment. This cycle continues for three weeks.

Montgomery County Common Pleas Court
(Dayton, Ohio)



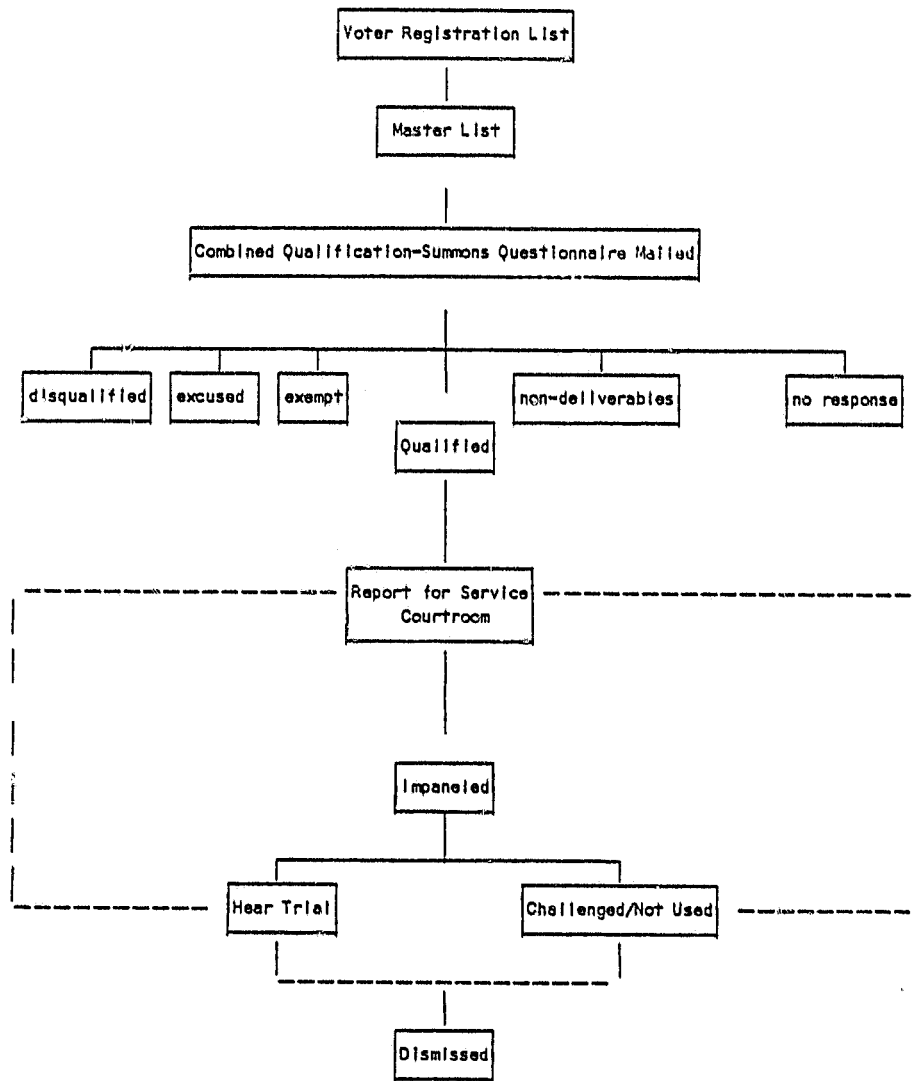
Jury Selection and Utilization,
Montgomery County Court
(Dayton, Ohio)

The voter registration list is the source list used for selection of prospective jurors in Montgomery County, Ohio. Each year the jury commissioners send out "jury mailers" to approximately 25,000, or ten percent, of the registered voters chosen randomly from the voter's list. The data mailer is an information form used to qualify prospective jurors. These forms are to be returned by prospective jurors indicating disqualifications, exemptions, or excuses. The annual jury list is made from those returning the jury mailers who are qualified to serve. Once qualified, the remainder of the voter list is used for qualifying before anyone will be qualified a second time (therefore, it takes almost ten years to be qualified again). From the annual jury list, "ballots" (name, address, telephone number, and voter registration number) are made up for each juror and placed in the jury wheel.

There is no pooling operation in the Montgomery County Court. Every three weeks each of the judges or his representative draws approximately forty-five to sixty-five names from the jury wheel. This is approximately 600 persons drawn for each judge for the four month period. The names from each judge are sent to data processing where summonses are printed and lists (fourteen copies) for each judge are generated. The summonses are then mailed by the sheriff.

Upon receiving a summons a prospective juror is informed as to the date and time of service, name of the judge under whom he/she will serve and where to report. The starting date of the three-week term of service will vary by judge. On the first day of service, the judge hears requests for postponements and excusals and dismisses those found disqualified or exempt. The judge informs the prospective jurors of the call-in system used to give them instructions for the following day's service. The answering service is programmed each night informing them: "jurors of Judge X should (not) report for service the following day." The answering service is a responsibility of the deputy jury commissioner who is in daily contact with each courtroom. When prospective jurors are challenged or not used, they are instructed to call in for instructions concerning service the following day. Each bailiff (eleven judges, eleven bailiffs) keeps records for his court including the names, the number of days in court, and the number of days serving on a jury. This information is sent to data processing for payroll purposes. Jurors are paid \$5 per day when they come in but do not serve, \$10 per day when they serve on a jury, and \$15 per day after two weeks of service.

Delaware County Court of Common Pleas
(Media, Pennsylvania)



Description of Juror Selection and Utilization

Delaware County Court of Common Pleas

Media, Pennsylvania

Voter registration lists are the exclusive source of names for jury selection. These lists are organized by municipality. The judges of the Court of Common Pleas determine the number of names to be drawn from the source list for the year. For 1979, 35,000 names were selected. The jury commission determines the start number to be used in the random start/fixed interval procedure, as well as the municipality with which the procedure begins. This information is forwarded to the county data processing department, which selects by computer the appropriate number of names from the source list during January for use beginning in the following March. The selected names and other information are recorded on magnetic computer tapes, which are sent to the administrative assistant to the jury board.

The administrative assistant to the jury board is responsible for the day-to-day operation of the jury system. Approximately five weeks before the beginning of each month, the court administrator informs the administrative assistant to the jury board of the number of jurors needed for each week during the month. The administrative assistant to the jury board sends the computer tapes to be adapted for use on the court's mini-computer.

Approximately four weeks before the beginning of each month, the court administrator informs the administrative assistant to the jury board of the number of jurors needed for that month. Approximately

450 or 475 persons are summoned each month. The court's mini-computer randomly selects the requisite number of names and prints the summonses and qualification questionnaires, which are mailed by the administrative assistant to the jury board. Prospective jurors are instructed to return the questionnaires within ten days of receipt. Each summons is assigned a letter indicating the week that the prospective juror will serve during the month.

As the completed qualification questionnaires are received by the administrative assistant to the jury board, they are sorted according to the week of service and determinations of disqualifications, exemptions, and excuses are made. Letters are sent to those who are found to be disqualified, exempt, or excused, as well as to those whose service has been rescheduled. The names of qualified jurors is entered into the mini-computer. On the Friday preceding each week, the computer generates a roll call list and a list of jurors for the following Monday.

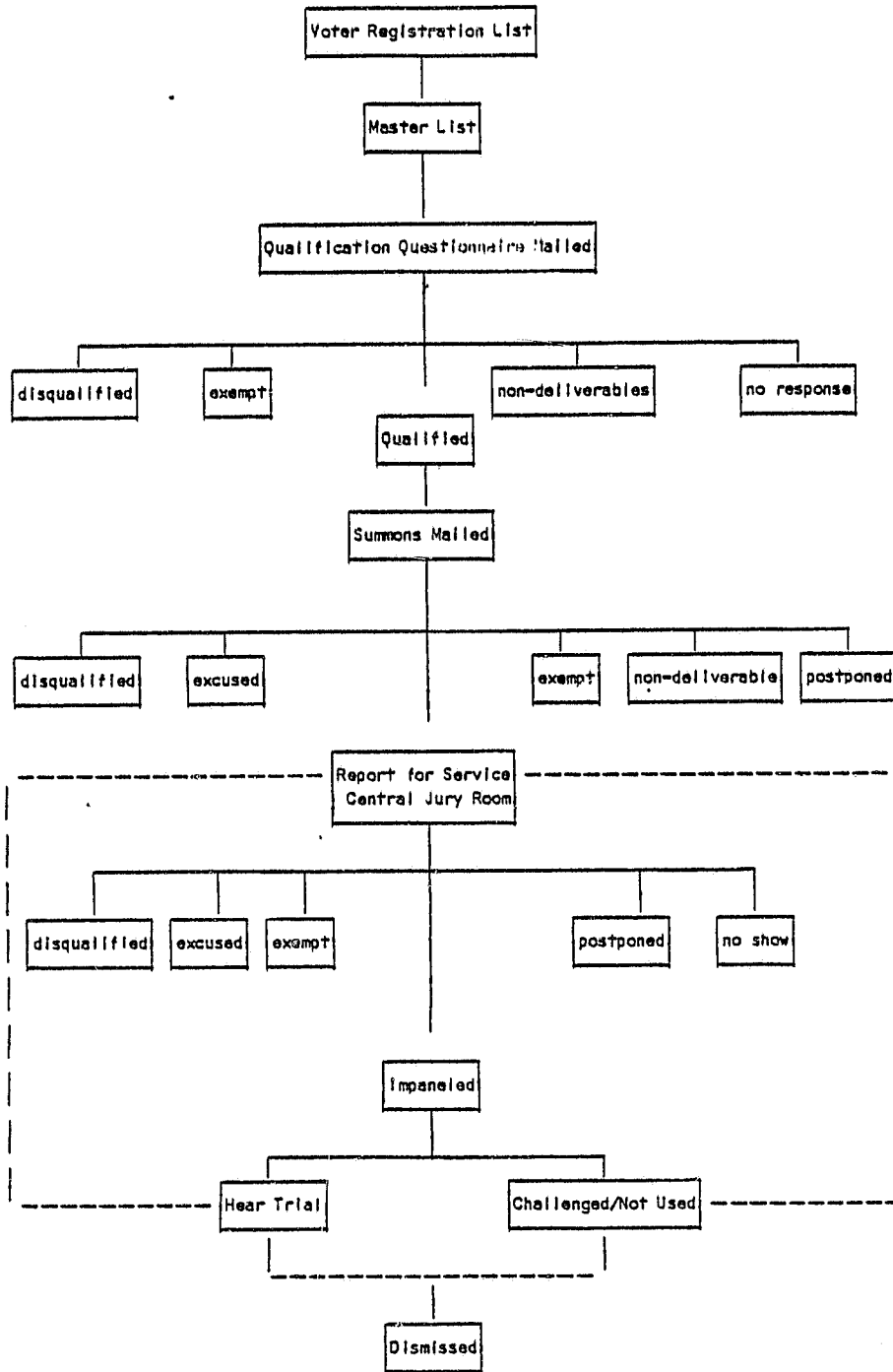
On each Monday, jurors report to the jury assembly room. Jurors' attendance is recorded on their summonses as they enter the room. (This procedure is repeated at the beginning of each day of service.) An orientation film is shown and judges are available to answer juror's questions. During orientation, the names of absentees are entered into the computer and panels are selected randomly. The computer prints out panel lists for use by the administrative assistant to the jury board, the judge, and the attorneys. The administrative assistant to the jury board calls the courtrooms. Meanwhile, absentee jurors are called by telephone.

Panel members who are not chosen to serve on juries are returned to the jury pool and made available for further service. The pool is not depleted before rejected panel members' names are reentered. Panels consist of thirty-seven persons unless the trial judge specifies otherwise.

The term of service is one week, although most jurors are not required to serve on Fridays. At the end of the week, the administrative judge talks to the jurors, thanks them for their service, and answers questions. The administrative assistant to the jury board collects jurors' summonses (which have been punched for each day of service) and hands them certificates of appreciation.

The administrative assistant to the jury board delivers the summonses to the clerk of courts and subsequently to the comptroller. The summons are used as records for payment purposes. Jurors usually receive payment approximately one month following the end of service.

Montgomery County Court of Common Pleas
(Norristown, Pennsylvania)



Jury Selection and Utilization,
Montgomery County Court of Common Pleas
(Norristown, Pennsylvania)

The voter registration list is the exclusive source list. Almost all jury selection and management functions are performed by computer in the court's data processing division. The courts share access to the county's mainframe computer. During February, 20,000 names are randomly selected from the voter registration list for use during the following calendar year. Printed qualification questionnaires are processed by computer and mailed on May 1 to all 20,000 persons whose names have been drawn.

Of the 20,000 qualification questionnaires that are mailed, 1,000 generally are undeliverable, and 4,000 are generally not returned. Responses are returned to the jury board. The jury board eliminates all physicians, lawyers, persons who have been convicted of crimes, out-of-town students, elderly persons who have health problems, and some mothers of children under eight years of age (depending upon the father's occupation). Corrections in names and addresses are entered into the computer. The list is reduced to 9,000 persons who are available to serve for the following calendar year.

Six weeks preceding each calendar quarter the names of 300 qualified persons are drawn randomly by the computer. Each person whose name has been drawn is assigned to one of six two-week terms of service during the quarter.

Thirty days before the term of service, summonses are printed by computer and mailed out. Prospective jurors are instructed to write to the court administrator's office at least five days before the beginning of the term of service to request excusal. Excusals are handled by the secretarial staff in the court administrator's office, except that more difficult determinations are made personally by the court administrator. Excusals are recorded by entering them into the computer on-line.

On the first day of service (Monday), jurors report to the jury assembly room. Roll call is conducted by the attendant and orientation is conducted by the court administrator. A film is also shown during orientation. Jury panels are selected randomly by computer and dispatched to courtrooms beginning at 10 a.m. Those panel members who are challenged or not reached are returned to the jury pool. Virtually every transaction involving jurors is entered on-line into the computer. Jury status reports are generated by the computer routinely during each day. These reports include information about each judge's trial activity, length of voir dire, trial length, cost (mileage and juror fees) per trial, the number of panel calls for the day, and the number of trials for the day.

In criminal cases, individual judges request juries as needed. In civil cases, a central assignment office informs the jury assembly room attendant of needs for juries, and they are impaneled in advance to save court time.

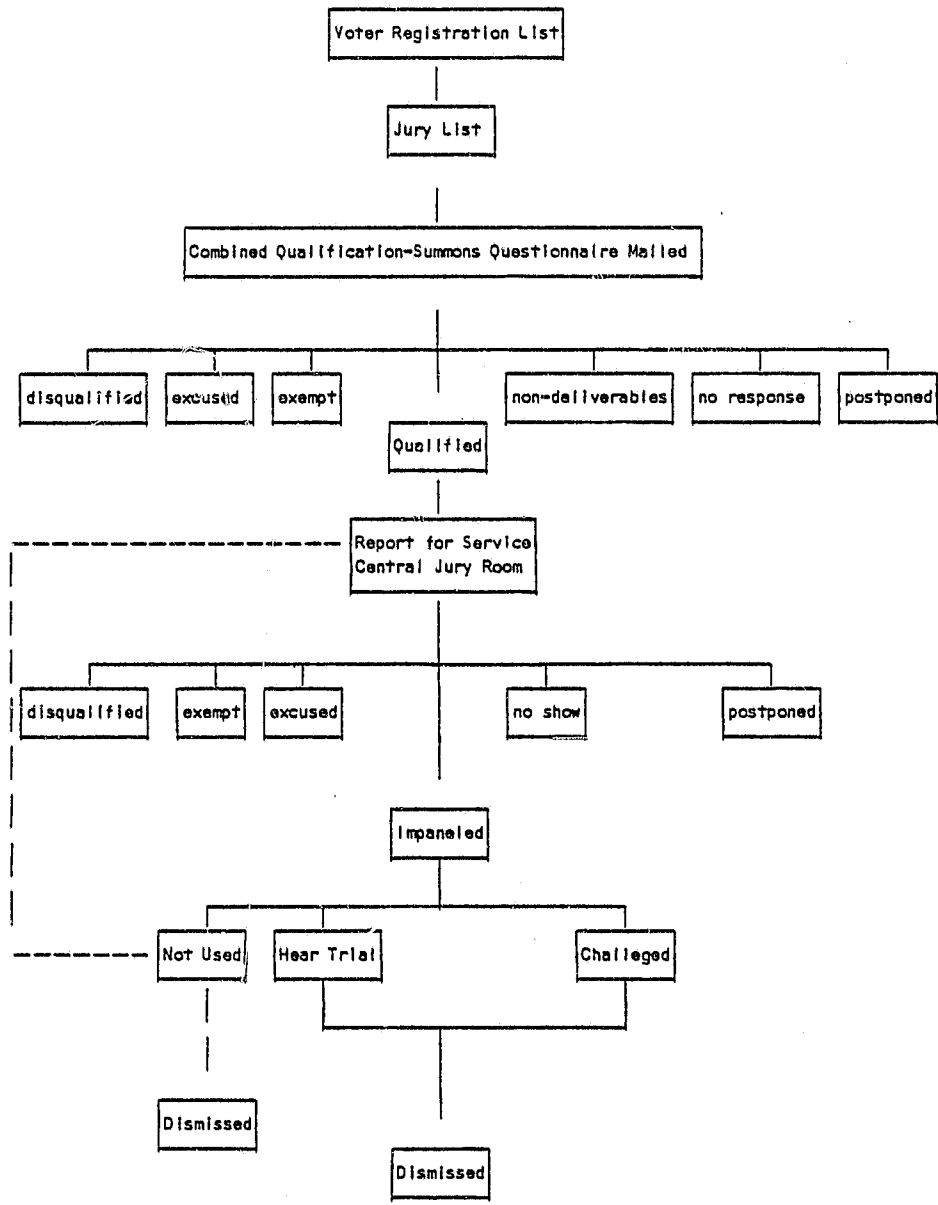
The Montgomery County Court has begun a small program to bring county officials into the jury assembly room as occasional speakers.

These officials inform the waiting jurors of the roles and responsibilities of their departments or divisions.

The jury pool is not exhausted before jurors who have already served on panels are eligible to serve on other panels.

At the end of the term of service, jurors are asked to complete exit questionnaires. They are thanked for their service by the court administrator. Juror payment information is generated by computer and sent to the comptroller's office on the last day of service. However, checks are received by jurors from the comptroller approximately six weeks after the end of service. The court is prohibited from issuing the checks itself.

Dallas County Court
(Dallas, Texas)



Jury Selection and Utilization,
Dallas County Court
(Dallas, Texas)

Voter registration is the exclusive source list in Dallas. The list is maintained on computer tapes and it is updated monthly for address and name changes. The names of those who have died, emigrants, or new registrants are deleted or added annually. The list is maintained on computer tapes.

The jury manager sends a request three weeks in advance for a specified number of names to be drawn for a three-week period. The number of jurors summoned is determined by the jury manager according to past yield data and expected seasonal fluctuations. The request is approved by the presiding judge.

The computer uses a random number procedure to select the names. Numbers are assigned to the names in the order in which they are drawn. The computer prints the summonses which are sent by first-class mail ten days in advance along with a response form (for disqualifications and exemptions) and an information card.

Those who are disqualified or exempt are instructed to complete and return the response form. Those desiring postponements are instructed to call or come to the central jury room, at which time a central jury room staff person decides whether to grant the postponement. If a postponement is granted, the prospective juror is advised of the new service date immediately -- no second summons

is issued. Those postponed are added to the appropriate list by the computer, according to their assigned number.

Jurors are instructed to appear on a specified date in the central jury room. At 8:00 A.M., an assigned judge and three bailiffs report to the jury room to decide questions concerning disqualifications, exemptions, and postponements. At 8:30 A.M., two other assigned judges appear and one of the three judges conducts orientation while the other two make further decisions about exclusions. Concurrently, prospective jurors view a slide presentation explaining jury service. Orientation takes approximately one-half hour. The assignment of three judges to "jury duty" is done on a monthly rotational basis.

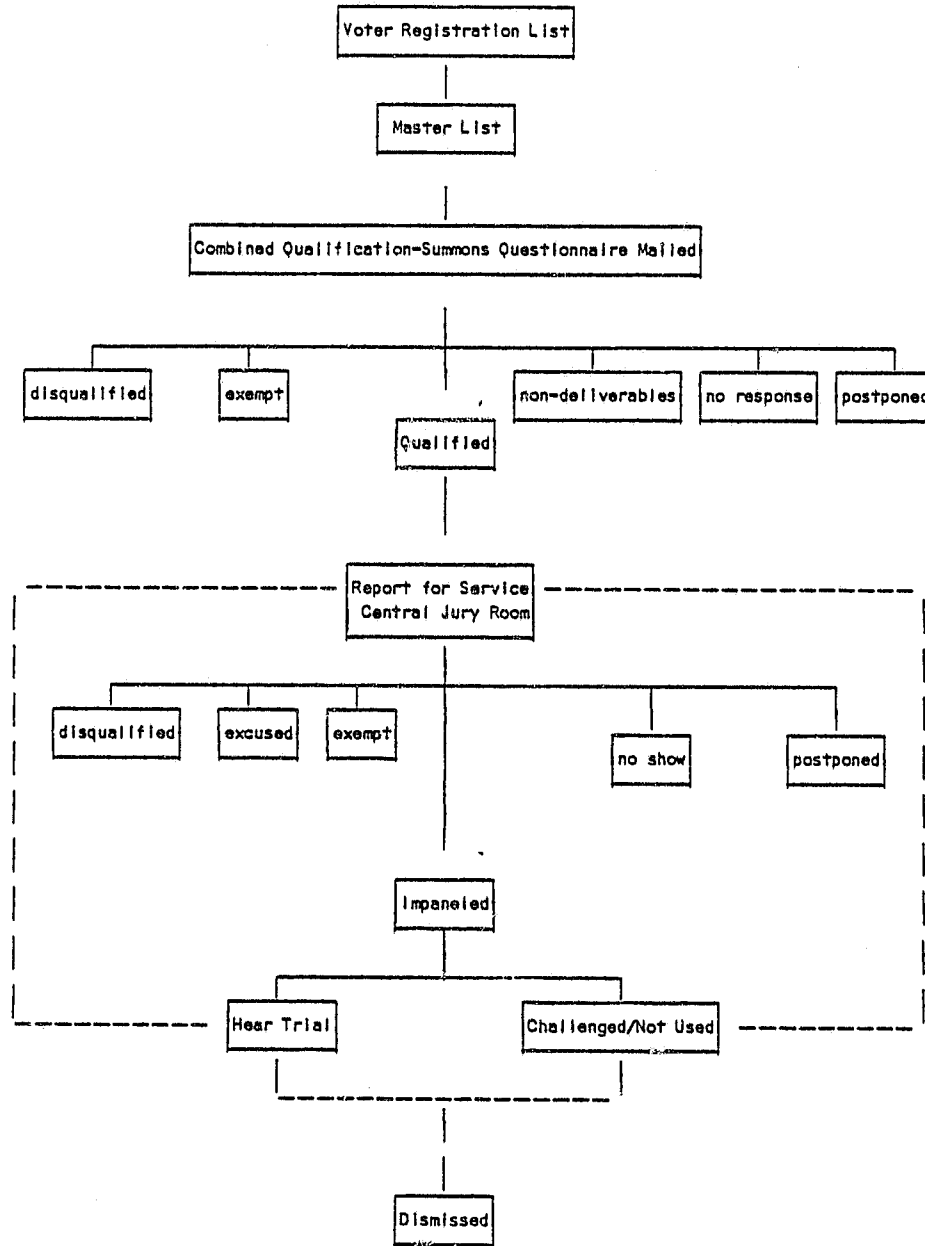
Judges who have trials scheduled request panels from the jury manager. Each judge specifies the size of the panel needed. The panels are drawn in the order in which the prospective jurors were drawn originally. Panel lists are compiled by the central jury room staff by xeroxing juror information cards. The list is given to one of the panel members, who takes it to the courtroom and hands it to the bailiff when the panel reports.

Voir dire is conducted and challenges for cause are heard. Of the remaining panel members, the first twelve (or six) are chosen in order of juror number (original order of selection from master list). Those not reached are returned to the central jury room. Those challenged, either peremptorily or for cause, are dismissed for the day.

Persons who have been returned to the jury pool are not assigned to other panels until all persons in the pool have been assigned to at least one panel.

Service records are kept on the juror information cards. These records are used for payment of jurors, which takes about two weeks.

Tarrant County Court
(Ft. Worth, Texas)



Jury Selection and Utilization,
Tarrant County Court
(Fort Worth, Texas)

The source list is the voter registration list exclusively. The voter registration list is maintained by computer and is updated annually in August. The board of judges, once a year, schedules the jury and non-jury weeks for the year. Approximately three out of every four weeks are jury weeks. The board of judges determines the number of persons to be summoned. The district clerks office has the computer randomly draw the appropriate number of names (presently 600) for each week at least one month in advance. An equal number of persons are drawn from each voting district. However, the voting districts (8) are unequal in population. The computer produces two lists, one alphabetical and one in random order. The computer also prints the summonses.

Summonses are mailed by the district clerks office two weeks in advance of service. A qualification questionnaire and instructions accompany the summons. Recipients are instructed to return the qualification questionnaires if they are disqualified or wish to claim an exemption. The chief bailiff of the jury room deletes from the master list the names of those persons who are disqualified or exempt. The chief bailiff also receives telephone calls from persons who wish to have their service postponed. These requests are granted routinely by a judge and apparently without question.

The name of each person whose service is postponed is placed on a list for another week.

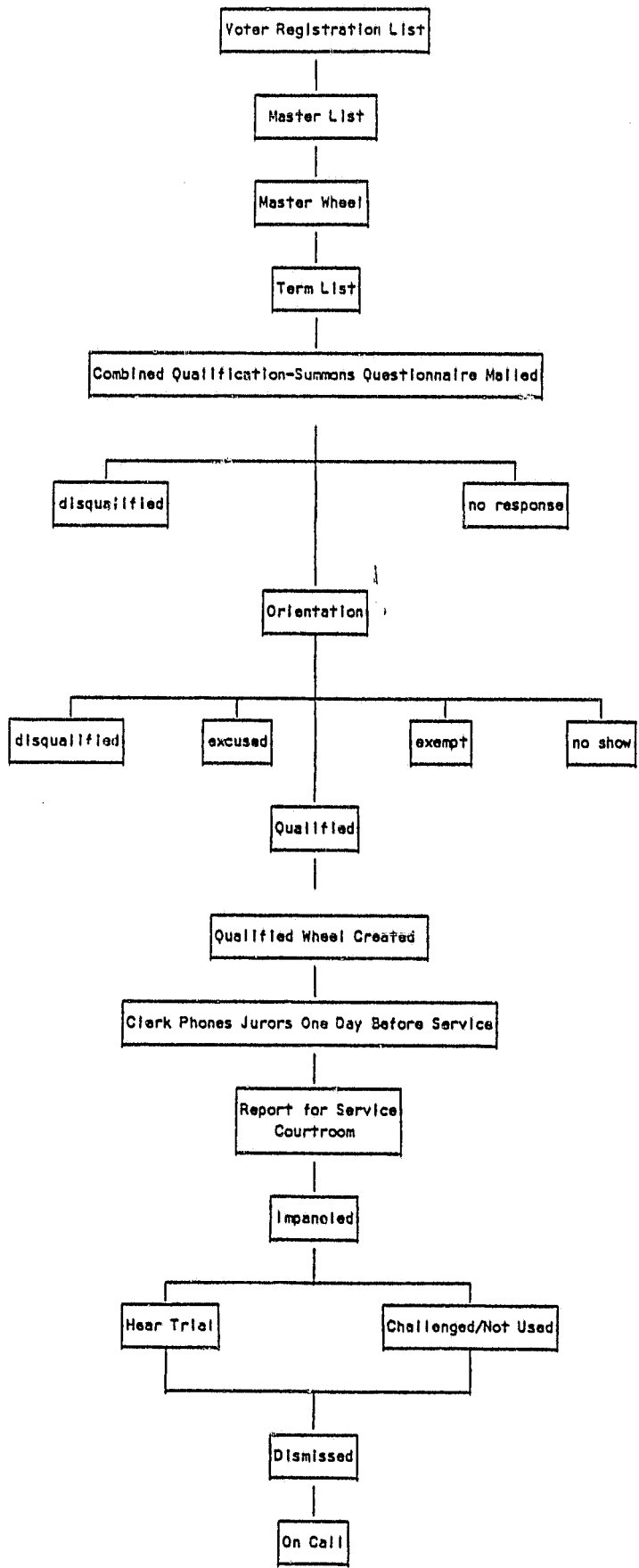
The summons instructs all those who are not disqualified or exempt to report to the jury room at 8:45 A.M. on Monday. A judge, assigned on a two-week rotational basis, conducts orientation and hears requests for excuses, exemptions, disqualifications and postponements.

The judges request panels immediately prior to trial. Upon receiving a request for a panel of a specified size, the chief bailiff reads off the requested number of names from the top of the randomly ordered master list. The panel members are instructed to report to the appropriate courtroom and to present their summonses to the courtroom bailiff. A list of the panel members is typed by the clerk. This list is used by the attorneys during voir dire. Some judges have the panel members complete forms indicating age, occupation, and other biographical information.

Those panel members who do not serve on the jury are instructed to return to the jury room with their summonses. They are subject to further panel service after the chief bailiff has gone through the master list once. Depending upon the needs of the court, some persons are sent home for the day or for the week. This is done on a voluntary basis.

Those persons who serve on juries are returned to the jury room at the conclusion of the trial. They too are subject to further service, but may be excused as the needs of the court permit.

At the end of the week, the summonses are turned in to the chief bailiff, who records the number of days served by each person on his or her summons. The summonses then are delivered to another member of the district clerk's office, to print the checks for jurors fees (\$10 per day, no mileage). These checks are mailed within a few days. The names of persons who have served are not removed from the source list, and therefore may be drawn again at any time.



Jury Selection and Utilization,
Third Judicial Court
(Salt Lake City, Utah)

The source list is the voter registration list exclusively. Two jury commissioners, one Democrat and one Republican, are appointed by the judges of the district court. They oversee the process, but only in a nominal sense. The number of names to be drawn from the voter registration list to make up the master list is determined by the number of votes cast within each voting district during the previous general election. In conformity with the prior statute, four names are drawn for each hundred votes cast within each voting district. (The new Jury Selection and Service Act provides for a more flexible sampling ratio.) The drawing of names from the master list is done by a computer using a random number procedure. For 1978 approximately 9,600 names were drawn for the master list.

The master list, in the form of a computer printout, is sent to the clerk's office. Names and addresses are also printed out on gummed labels. These gummed labels also are sent to the clerk's office. The clerk places the labels on small cards which are then placed in a large barrel. In the presence of the county attorney and the county treasurer, the clerk draws names from the jury barrel. The names drawn are alphabetized and typed into a list by the jury clerk. The labels are placed on summonses which are then inserted into window envelopes. Also enclosed are a qualification questionnaire and instructions.

One thousand summonses are sent out at the beginning of each three-month term. The qualification questionnaires are returned by the prospective jurors to the clerk, who handles all of the obvious disqualifications such as non-residents, deceased, infirmed, and underage. The clerk does not handle exemptions or excuses. This is because the prior law required that these be done by affidavit. The summons requires the prospective juror to appear at one of two meetings held in the large meeting hall at the outset of the term. Those persons who, according to the completed qualification questionnaires, are obviously disqualified are advised by the clerk over the telephone that their service as jurors will not be required. During the mass meetings at the outset of the term, the presiding judge decides questions of exemptions, excuses, and disqualifications. Orientation is also conducted, including the showing of an orientation film.

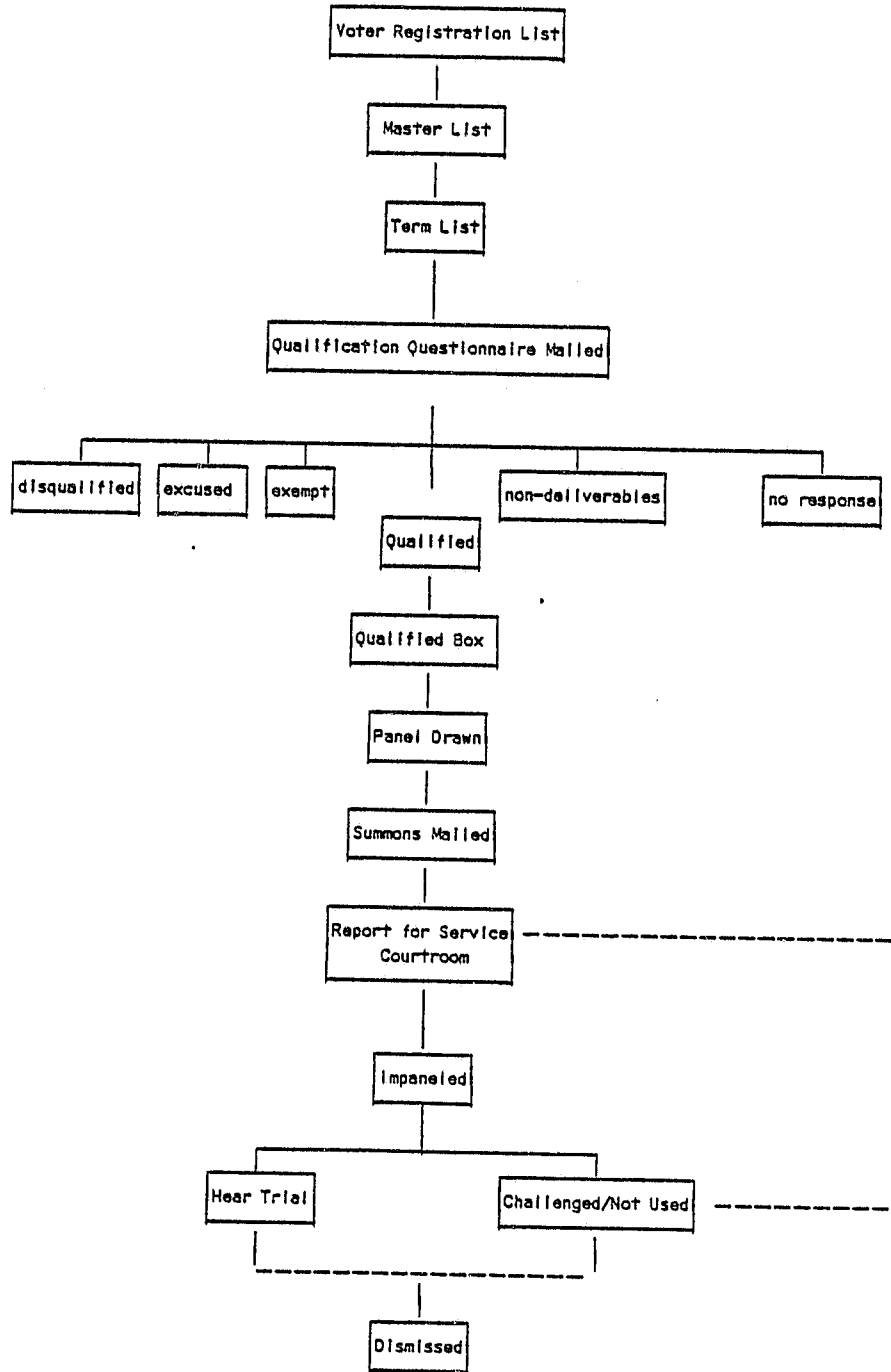
The day before a trial the judge notifies the clerk of the number of panel members he or she will need for the following day. The jury clerk then draws that number of names from a barrel which contains the names of all eligible jurors selected for the panel for the term. The names drawn are not replaced into the barrel until all panels have been drawn for the following day. The jury clerk then telephones each of the panel members so drawn and advises them to appear in court at a designated courtroom the following day. This telephoning is done between the hours of 2:00 and 5:00 in the afternoon. All trials are scheduled for 9:00 A.M., except where a trial is predicted to be

short, in which case another trial may be scheduled later in the day. In addition, back-up trials are sometimes scheduled in the event of a settlement on the day of trial.

Panel members report directly to the courtroom to which they have been assigned. Those who are struck from the panel and therefore do not end up on the jury are dismissed for the day.

After each trial a record of each juror's service is entered into a computer. At the end of the three-month term of service, a check is sent to the jurors along with an exit questionnaire.

Fourth Judicial Court
(Provo, Utah)



Jury Selection and Utilization,
Fourth Judicial Court
(Provo, Utah)

The voter registration list, which is maintained by computer and updated annually, is the exclusive source list. The presiding judge instructs the district clerk through the trial court executive as to the number of names to constitute the master list for the quarter. Generally, three hundred names are requested.

The county clerk has the computer to draw the appropriate number of names from the voter registration list using a random start/fixed interval method. Approximately one month preceding the term of service, qualification questionnaires are sent to the persons whose names have been selected. General instructions are included with the questionnaire. The recipients are instructed to return the completed questionnaire to the county clerk, who turns them over to the trial court executive, who culls out those that are apparently qualified and not exempt. The trial court executive also excuses many of those persons for whom service would be an undue hardship. Others (relatively few) are excused by the judges.

The names of those persons (usually 80 to 120) who appear from the qualification questionnaires to be qualified, not exempt, or not excusable are written on index cards which are filed in a metal box. The computer also generates slips of paper with the prospective jurors' names. On the day preceding the first trial, approximately thirty to forty of the slips are drawn from a cardboard box.

Summonses are sent one week prior to the first day of service only.) The slips are not returned to the box until each slip has been drawn once. After each person has been selected once, all names are replaced immediately following service. The persons whose names have been drawn are telephoned by a bailiff, who instructs them to appear in a specified courtroom at a specific time.

On the day of the trial, the prospective jurors are assembled in the courtroom in which the trial is to take place. During the first several trials of the term (until each name has been drawn once), the panel is given an orientation presentation by the judge, the clerk and the trial court executive. Further excuses, disqualifications and exemptions are heard.

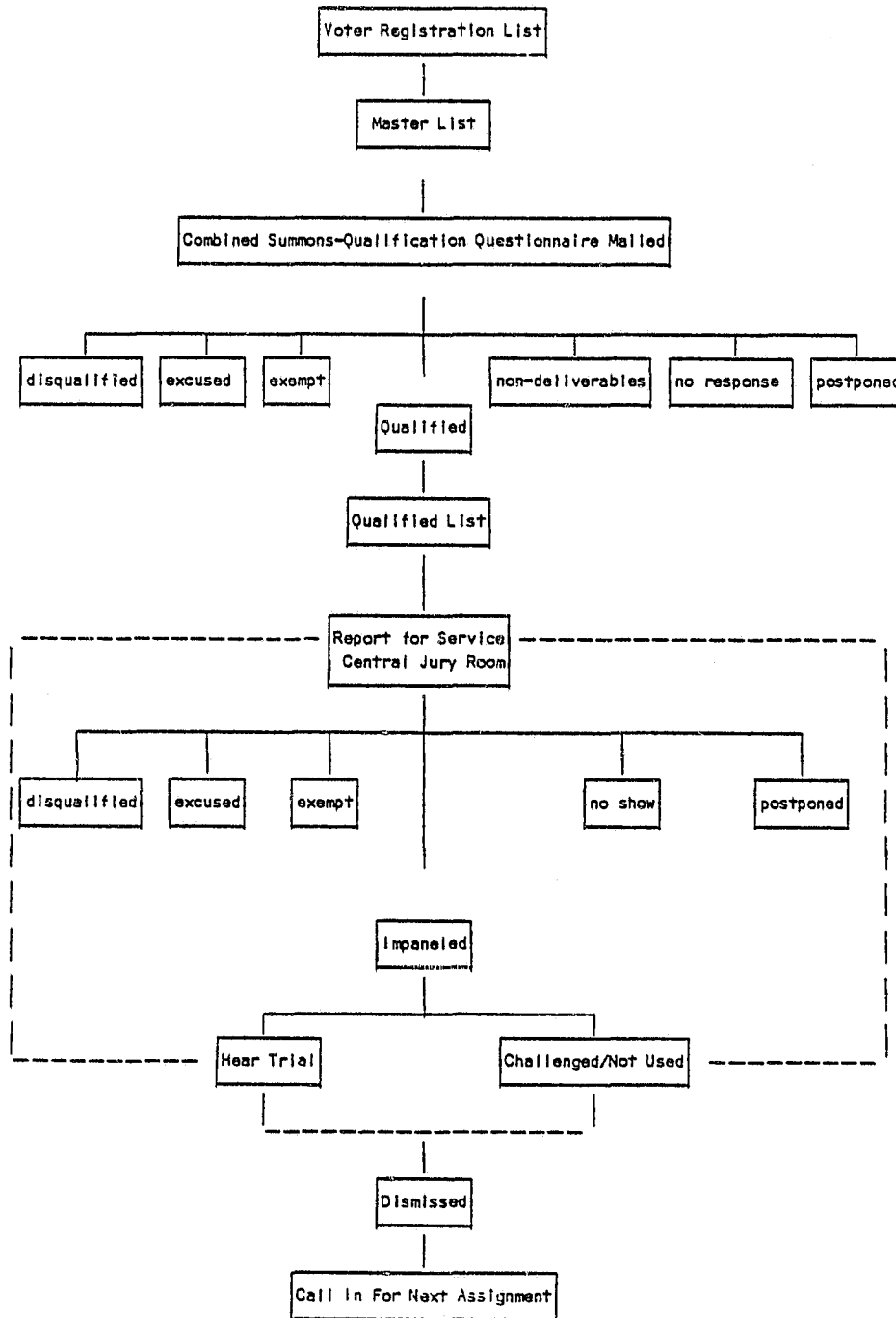
Those panel members who are not selected to serve on juries are sent home for the day, unless another trial is scheduled for the same day. On days during which more than two trials are scheduled, some juror pooling occurs on an informal basis. Trials are staggered by a half hour or an hour in order to permit this pooling. Because of the smallness of the court and the infrequency of trials, these procedures are handled very informally by the trial court executive.

Juries consist of eight persons in most cases (felonies included), with a few four-person juries used in misdemeanor and civil cases.

Each day of service is recorded on the index cards that are kept by the trial court executive. At the end of the three-month term of service, these records are used to provide payment information to the county auditor, as well as to provide information for completion of

the juror appreciation certificates. Jurors receive payment a few weeks after the end of the three-month term of service.

Spokane County Superior Court
(Spokane, Washington)



Jury Selection and Utilization

Spokane Superior Court

(Spokane, Washington)

Juror selection, utilization, and management for the Spokane Superior, District, and Municipal Courts is the responsibility of the superior court administrator. All the day-to-day duties of jury operations are assumed by one clerk assisted by the county systems services (automated data processing), on-line computerized selection procedures, and the sheriff's department.

According to statute, Spokane uses the voter registration list as its source for prospective jurors. Each August, a source list, or master venire of jurors, of approximately 145,000 registered voters (representing approximately 72.5 percent of the population eligible for jury duty), is drawn and printed for the next year. This list is drawn by computer random sampling according to a time of day numerical system.

Each month the court administrator's office determines the number of prospective jurors required; this number depends upon the anticipated number and type of jury trials that will proceed each month. Each month a portion of the jurors from the master venire are summoned to jury service in response to the court's estimate of the numbers required for the conduct of business that month. This number has ranged from approximately 450 to 1,000.

Using a combined summoning-qualification procedure, prepackaged summonses and qualification forms are sent to each prospective juror under the auspices of the sheriff's department. Responses to the summoning-qualification mailings are processed by the office of the court administrator. Requests for postponements, exemptions and excuses are handled administratively, although periodic review by the presiding judge is not uncommon. If a postponement is granted, the juror's name is placed back on the master venire list and is subject for selection in succeeding draws. Jurors who are not disqualified, exempted, postponed, or excused are placed on the master jury list for that month. The number of prospective jurors on the monthly master list normally ranges from 125 to 150.

Jurors on the master list (or qualified list) are sent notification of the first date on which to appear approximately one week prior to the start of service. Along with this notice is enclosed a juror handbook, a map of juror parking, a parking permit, and a brief statement of average juror time requirements. The length of jury service is two weeks. Jury terms are overlapping. Each Monday a new jury pool is sworn and oriented. Thus, each week a jury pool of jurors is serving their first week of a two-week term, and another jury pool of jurors is serving its second week of the term. Each jury pool is comprised of approximately ninety prospective jurors. Of these ninety prospective jurors only half will have to report to the court each week; the other half will report, if needed, the following week. Although the jury pool operations in Spokane

County permit the recycling of jurors already assigned to a particular jury panel, this capability has seen limited use.

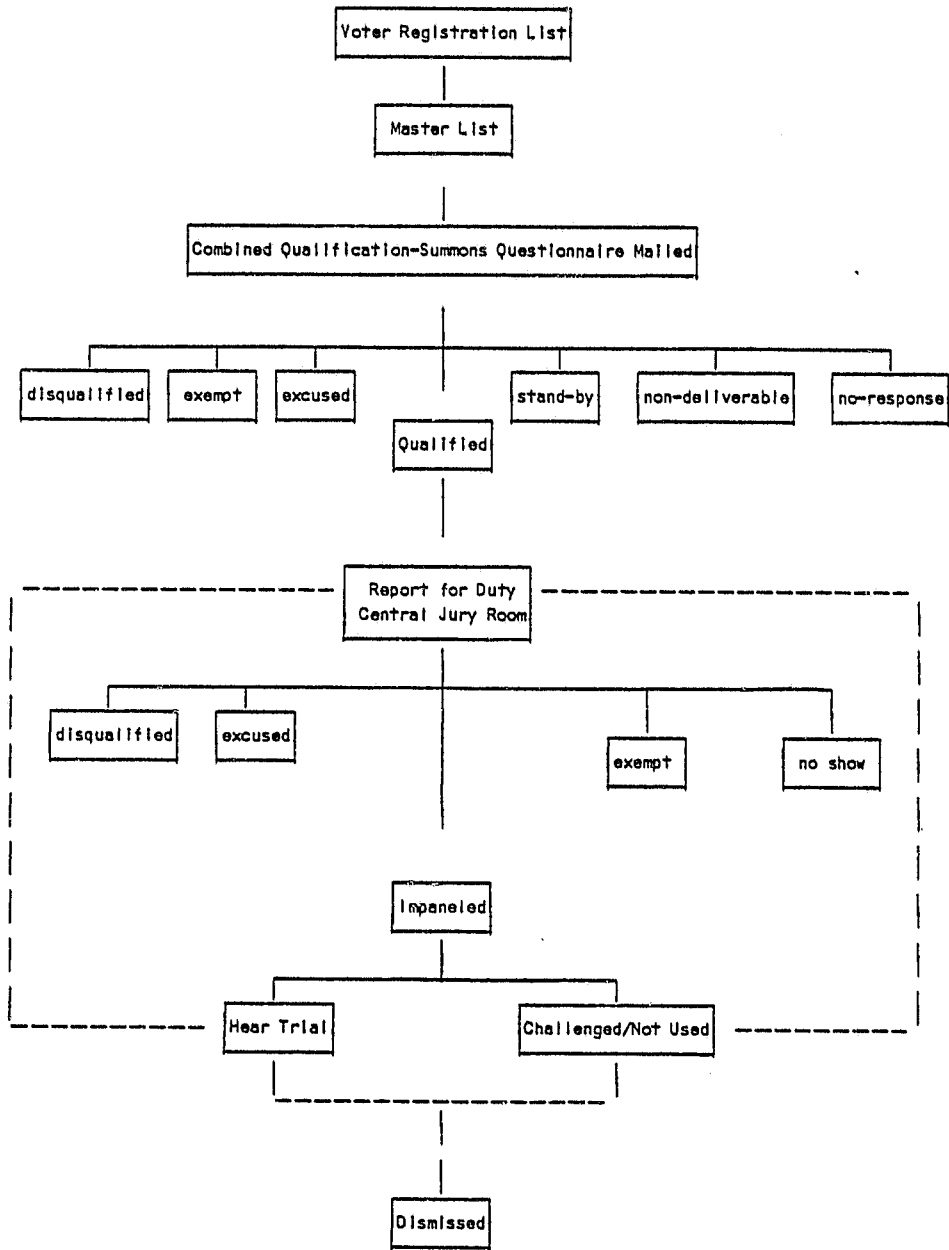
On the first day of their appearance in court, jurors are given a short orientation by a judge and are shown a movie describing juror activities. Depending on the type of cases, courts available, and time anticipated for the completion of the trials, juries are either selected in the morning or split between morning and afternoon to increase jury usage.

After their first appearance on the first day of their two-week term of service, jurors are notified for subsequent service by a recorded telephone message.

Once a panel is requested by a judge, prospective jurors in the pool are randomly selected to fill the request. Random selection is made on the basis of the same numerical identification of prospective jurors made in the original selection from the voter registration list. Once the selection has been made, a court bailiff escorts the selected jurors to the courtroom. Jurors who are struck from the panel during voir dire are returned to the jury pool or excused for the day.

Voir dire of the jury panel is conducted by the attorneys who are assisted by computer printed juror information. The voir dire examination of panels for the Municipal and District Courts is not performed on the day of the trial in the presence of the panel, but rather prior to the trial solely on the basis of the juror information supplied by the court administrator's office.

Snohomish County Superior Court
(Everett, Washington)



Jury Selection and Utilization,
Snohomish County Superior Court
(Everett, Washington)

The responsibility for jury operations in the Snohomish County Superior Court is shared by the office of the county clerk and the court administrator's office. The Snohomish County Systems Services provides automated yearly and monthly selection of prospective jurors; the county sheriff's office conducts the actual mailing of summonses and qualification questionnaires; and finally, the county auditor provides payment of juror fees.

According to statute, each year during the month of July the court orders a master jury list of approximately 30,000 names to be selected from the county's voter registration file. The master list is drawn by computer using a random sort program without regard to district of registration of each voter. The random sort sequence is provided by the chief court clerk. Each month, again according to state statute, the court orders the drawing of the name of prospective jurors for the following term. Approximately 210 names are randomly drawn by computer from the master jury list. The names drawn are sorted into alphabetical sequence and assigned a unique control number. The county systems services involvement in the monthly selection process ends with their provision of a "Juror Name Control Report," a "Time and Claim Report" and two sets of name and address labels for the summoning-qualification mailing.

The actual mailing of the qualification-summoning packet is conducted under the auspices of the county sheriff's office. Prospective jurors are summoned to appear for jury service on a specific date unless they indicate valid disqualifications or exemptions. Requests for excuses are handled administratively by the chief court clerk or the court administrator. No postponements of jury service are granted. An informal stand-by system is managed by the court administrator.

The term of service for jurors in Snohomish County extends over a four- to six-week period. The estimated actual length of service is less than five days.

Those jurors summoned and not disqualified, exempted, or excused report to the jury lounge on the first day of service. Staff of the court administrator's office and the county clerk's office will alert prospective jurors by telephone if their service is not required on a particular day. Upon their first appearance in court, prospective jurors sign in with the chief court clerk in the county clerk's office where they are provided with a jury handbook, juror identification button and a parking permit. Once assembled in the jury lounge, jurors are provided a short introduction to jury service by the court administrator. Then the pool of prospective jurors is ushered into a courtroom where the presiding judge provides an orientation.

Jury trials are typically set on the first and second day of the week, with the majority of the trials set for Monday. Jurors in the daily pool are randomly assigned to panels by the court administrator.

The selection and assignment to panels is done manually using a set of cards identifying the available prospective jurors. Those jurors not assigned to panels, as well as those assigned but subsequently challenged or not used, return to the juror lounge; these jurors are free to go home but they are advised of the return date. Typically, unless a juror is picked to hear a trial, jury service after Tuesday is rarely required.

At the conclusion of the term, jury fees are computed manually from attendance records by the chief court clerk. Payment checks are prepared by the county auditor's office. Checks are mailed, with a certificate of appreciation, within four weeks of the last day of service.

APPENDIX C

Measurement Instruments

PETIT JURORS USED

FOR MONTH OF	YEAR
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PLACE OF HOLDING COURT

DATE <small>(record daily)</small>	A		NUMBER OF JURORS				F (optional)
	JURIES IN TRIAL		Total Available To Serve	Served on Trial Juries	Challenged And Not Reached	Not Used	
	6-man	12-man					
MONTHLY TOTALS			Juror Days Available				

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-men total x 0.5 = _____

12-man total = _____

Total Trial Days (weighted)

Juror Days Available = _____

Total Trial Days = _____

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.

YIELD COMPUTATION WORKSHEET

QUALIFICATION (Date _____)
(Use only if qualification is a separate step)

	Number	Percent	Number	Percent
Number of Questionnaires Sent				100%

Less:

Undeliverable		%		
Not Returned		%		
Total Non-Response		%		
Disqualified		%		
Exempt		%		
Excused		%		
Total Excluded		%		

 Total Qualified

Qualification Process Yield	%
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SUMMONING (Date _____)

Number of Summons Sent				100%
------------------------------	--	--	--	------

Less:

Unclaimed		%		
No Show		%		
Total Non-Response		%		
Disqualified		%		
Exempt		%		
Permanently Excused		%		
Postponed		%		
Total Excluded		%		

 Total Jurors Serving

Summoning Process Yield	%
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OVERALL YIELD:

Qualification Process Yield	%	x	Summoning Process Yield	%	=	%
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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

JURY SYSTEM MANAGEMENT QUESTIONNAIRE

Your answers to the following questions will help improve jury system management. All responses will be maintained in anonymous form and only aggregate statistics concerning the questions will be disseminated.

Your voluntary participation will be greatly appreciated.

1. Do you have any type of responsibility for any phase of jury management?

Yes No
(Please circle your response)

2. What is your position with the court? _____

BASED UPON YOUR KNOWLEDGE AND FRANK OPINIONS, PLEASE RATE THE FOLLOWING ASPECTS OF JURY MANAGEMENT AS THEY CURRENTLY EXIST IN YOUR COURT. PLEASE PUT AN "X" IN ONE AND ONLY ONE BOX FOR EACH QUESTION.

	<u>Don't Know or have no Opinion</u>	<u>Improvement Needed</u>	<u>Adequate</u>	<u>Very Good</u>
What is the quality of the random selection procedures used to pick potential jurors during				
a. qualification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. summoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. panel assignment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do the source and master jury lists contain a representative group of citizens?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What is your degree of satisfaction with the criteria and procedures used to exclude and excuse jurors				
a. during qualification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. after summoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Don't Know or have no Opinion</u>	<u>Improvement Needed</u>	<u>Adequate</u>	<u>Very Good</u>
Is the administrative process of qualifying and summoning jurors effective?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
efficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What is your opinion of				
a. the length of the jurors' term of service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. of the amount jurors are paid?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. of the management of jurors at the time they report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. of jury lounge and other waiting room facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. of the timing and method of payment for jury service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the responsibility for each aspect of jury system management defined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are channels of communication for reporting and feedback among levels of management identified and open?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do jurors have a sufficient means of providing input concerning their evaluation of system operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the documentation of jury system management procedures and responsibilities sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Don't
Know
or have no
Opinion

Improvement
Needed

Adequate

Very
Good

Are the procedures and
criteria used for
jury selection sufficient
to withstand a legal
challenge?

Are the penalties for
failure to perform jury
service a sufficient
deterrent?

PLEASE FEEL FREE TO USE THE BACK OF THE PAGES OF THIS QUESTIONNAIRE TO COMMENT ON ANY
OF THE PRECEDING QUESTIONS. THANK YOU FOR YOUR CONTINUING COOPERATION.

APPENDIX D

Sample of Qualitative Data

Jury System Staff - B4

Question: Does the selection procedure used in the court (including the use of the source list, qualification, summoning, selection of panels, and finally, drawing the jury from the panel) meet the goal of a representative jury?

Answer: Yes, I would say definitely.

Question: Do you have anything you formed your opinion on? What are you judging this by?

Answer: I don't see where we could get a better randomization of people than in the registered voters list and the holders of drivers licenses. I feel that it is a representation crosswise of the entire county, it is close to 730,000, and I don't think that we can be challenged any further on randomization or nonrandomization, as we have in the past, with the way the computer system has been done.

Project Staff - C4

Question: Are the selection and usage procedures of jurors efficient from the point of view of the court? Juror?

Answer: Merely the voir dire or before that?

Question: The selection and usage.

Answer: They seem to be very efficient. We use our computer. They are hardly touched by human hands right from the start. We have our summonses sent out by the computer. It is very streamlined and it is brand new; they just completed it within the last two weeks and the first panels just went out this week. The questionnaires seem to be very efficient, the attorneys that have seen the system like it, the judges like it, they think it is going to be very efficient. So, through the actual sending the panels out we've had no problems so far with the system and it seems to be very streamlined and working well. Now, once we get into the voir dire, there are problems with some judges having a pretty wide-open voir dire, taking a long time, probably needless questioning. That is one area we would like to improve, we are working on that.

Question: Do you think the jurors think the selection and usage procedures are efficient?

Answer: Usage is the one area that we always have problems with, I imagine most courts do. We are doing a lot better. We have the call-in procedure; jurors aren't needlessly brought in day after day. We are able to bring juries in only when we have cases for them. We are using both morning and afternoon starts for our jury cases; so, if they are not selected in the afternoon and they are able, instead of wasting two days coming in or spending two days coming in, they spend only that one with twice the chance of being able to serve. We try, through the various checks in our program, to avoid having more than one or two cases so the jurors are not just brought in time after time during their week or two weeks of service. The usage seems to be pretty good.

Judge - Al

Question: What improvements have been made in the jury system within the last year or year and a half? Are they attributable to the Demonstration Program? What improvements remain to be made?

Answer: We adopted the one day/one trial program, and it has been a consistent thing; good for the courts, good for the managers, and it has made the jurors happy.

Question: The switch to one day/one trial was in January, 1977, is that right?

Answer: Yes.

Question: That was also the start month of the Demonstration Program?

Answer: Yes. We had November, December 1976 to prepare for the Program, so our staff was working for 60 days to be prepared to commence some of the innovations on day one of the program.

Question: Is it accurate to say that the one day/one trial procedure is a result of the Demonstration Program?

Answer: Absolutely. But, since we had that prenotice and a consistent response from all the judges as well as the managers of the paperwork and budget, the one day/one trial system gained unanimous consent as one of the earliest efforts. The second program was tied to that:

the daily orientation of newly arriving jurors and the broader participation of the judges. Because the 47 judges rotated in orientation duty (which made them close to the system by osmosis, if nothing else), they absorbed premises of the experiment and then began to cooperate with it because they were a part of it. In that sense, I would say the second biggest thing in the experiment was the drafting of everybody in the system to be a part of the experiment. We generated a responsibility as well as a response by this approach. I don't believe that we could have done it standing outside and trying to direct those inside to do anything we did. I don't believe you could command the kind of cooperation or attention that we got by drafting them into the program. Those persons so drafted also were constant in their contribution: why don't we do this, do that, try this, try that; and many a new idea from the ordinary daily mechanics arrived from some observer or participant who didn't have the direct responsibility, and yet the concept was valid, so we have adopted it.

We had the computer system but we have changed the summons, the numbers, the examination and retention of the returns on the summons to a more polished program. We simply had not been using the computer for the things it would provide us, we had only used it as a quick method of printing the summons and depositing

it in the mail, we stopped with that. We have broadened that inquiry, and frankly, I don't think anybody's system of any size could do without computer assistance. We now have broadened it to include the juror pay system with a remote terminal and minute by minute triggering of the pay system as each juror is discharged--so much more rapid and so much less human involvement. We have a scheme designed to audit, but you have the original entry from the judge and everything else follows from that through the terminal that is in the central jury room. It has been an excellent means of efficient handling. I would say the use of the computer is absolutely necessary, and a broader use should come to anybody's attention while using it--it offers the means to do a lot of things. After a year or two of operation, as our computer is filled up with individual data, it will also provide us a means of not summoning a disqualified juror merely to have him come down here and tell us he is in fact disqualified. There has been no means of retention on that subject short of the computer usage, and we expect, after we run through the population a while, we will have eliminated those who are in fact disqualified. This will save the cost of the summons, mail, and the individual's response, "Damn it, I told you last time I was disqualified, how many times

do I have to tell you?" The computer is going to develop for us a feedback on a number of subjects.

Question: Have other improvements resulted from the Demonstration Program?

Answer: One of the big improvements I have already mentioned: we've used the word reconstitute, the jury wheel. Say it in those phrases because that is the substance of the statute as applied to a smaller county. They have to do theirs with mechanical means, we have to do ours with electronic means--but the substance of it is identical. The annual update was the thought of the legislature to be sure that, at least yearly, you removed those deceased, add those that are eighteen, and add or remove the flux of population in and out of the county. That doesn't mean that that is the maximum we expect to do; with the assistance of another department in the county, who is charged by statute to maintain an up-to-date election rule and who works almost daily at polishing the list, we hope to achieve continuous, uninterrupted updating of the jury tapes--updating with individual entries as opposed to reconstituting. Reconstituting starts our selection process over--I hope that is not too confusing. We have authority to update. We would like to have the reconstitution postponed so that as well as keeping the list updated, we will use all of those eligible before we use the same person twice. It has been my experience

that that is desirable. Others may feel it is undesirable--it is nothing undesirable to have 30% of the population, by the odds, never have a chance to serve.

Question: In your opinion, what improvements remain to be made in the jury system?

Answer: Improvements that are remaining to be made are problems that we faced at the outset because of statutes that are not tuned to the demands of a system of our size. We have two or three challenges: the array of jurors, questions about counsel and trial of a case, and determining whether each and every step with regard to the selection of jurors has in fact been accomplished. We have met those challenges successfully up to this time, but the challenges pointed out that we do many an act in a clumsy, expensive, human, and time-consuming way.

A perfect example: we have no means or authority to remove a disqualified person from the roll permanently--he will just have to go through the drill each time. We would like to see legislative consideration of the steps required to get a valid jury in a courtroom to try and render a lawful verdict in a criminal case. We would like to see those steps considered in the light of processing up to 600 jurors a day. Also, contemplate using certain members of the staff to do certain

things now limited to a judge if the tasks are done under his direction. We don't deem it necessary for a person over 65 or a student in a secondary or higher institution to have to tell a judge that he is exempt. Yes, there is always the possibility of corruption in a sense that some person will escape jury service because a staff member was not as demanding as a judge might be; but on the whole, we don't think that possibility is significant enough to require judges to do certain things exclusively when we may direct these tasks to staff, review the doing, and catch the same offenders as the judge would. We do not treat jury selection as a trial, we treat it as a citizens response. We expect the citizen to respond truthfully as to his disqualification or exemption. If he makes that oath on paper and gives the identical response, we don't feel like it is any special thing that a judge look at the piece of paper at that minute. In review, the judge can determine that the person is probably not telling the truth under oath and remedy it if he sees fit. There is a certain sacredness to the system. A devoted staff who spend 100% of their time in this function can be trained and become as devoted as any district judge can, and as faithful to their office as any district judge can. In a sense,

I am saying a provision is somewhat demeaning to a career person working in the staff under the direction of a judge, when we say, "Well, you are not trustworthy enough to do the things a district judge is assigned to do." It is just not practical. In the system you can always isolate and say, "Well, this person lied to a staff member, but would not have lied to a district judge under identical circumstances." To a legislative body, I would say that is not necessarily true. Moreover, the liar will lie to both in our experience, so you are no further ahead. The final point is: if we find a congenital liar who will lie to both the judge and the staff member and we catch him at it and say, "your punishment is to serve on the jury," what litigant in this courthouse wants a congenital liar compelled to serve on his jury? We think the ideal looses something when jurors who, by their nature, are unfit to do the high calling are compelled to do it after having been searched out through this procedure. I think the jury system can be weighed by the legislature and they will determine that a reasonably effective scheme, administered by and under the direction of judges with the professional staff, such as we have, is efficient and substantially conforms to the ideals without the necessity of absolute perfection being imposed.

Question: Are there other improvements that you think should be made in the jury system?

Answer: Without giving it any particular weight, I would say that our experience has been that 50% to 55% of the jurors are here for the first time in their lives. We desired an inspiring and informative manner of orientation for these jurors. The individual judges who have done it have done a good job, but even the best of them will admit that not every morning (or every afternoon if we get the standby) he can and does perform to his best. So, we have prepared, and as soon as our screening is delivered, you'll begin to see jurors welcomed by a judge; his disqualifications and exemptions will be discussed briefly, and those who believe or suspect they may be disqualified or exempt and wish to confirm it with a judge are invited to the rostrum. While that takes place, a sixteen minute slide presentation (with sound) will be shown (this presentation has been unanimously approved by our bar association and by the judges) to get that uniformity of interest and color: teach by the eye as opposed to the ear. I believe the experiment said that they found that 85% of the learning process is through the eye and not the ear. I believe it is 80% eye and 15% for the ear and 5% other--I have wondered what that "other" was. In light of that premise, we are going to try that film orientation.

This gives the judge at the side of the bench an opportunity to hear all the disqualifications and excuses. At the end of the film; those late arrivals have the disqualification, exemption premise repeated; are sworn, and cleared. So the judge will have the welcome and two sessions of excuses and disqualifications. Those who had neither will have an entertaining, brightly colored, inspired 16 minutes of music and message. The jurors depart to the individual court assignments 30 minutes after they first sit down. I deem that a great improvement, I don't know whether it weighs that heavily with you. Having given and watched orientations, I confess that I have not always been up to par, and I can swear others have not. We are going to cure that with the film. I think there are five sessions regularly scheduled and as many as three standby groups, that is eight in one week. I believe you have to have it.

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