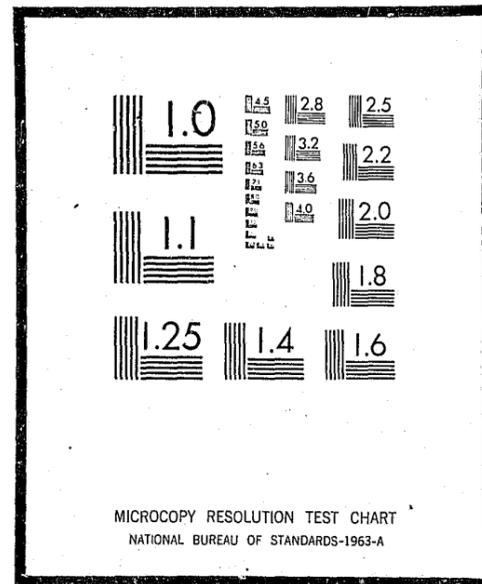


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4/14/76

A GUIDE TO JURY SYSTEM MANAGEMENT

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December 1975

BIRD ENGINEERING-RESEARCH ASSOCIATES, INC.
Post Office Box 37, Vienna, Virginia 22180

FOREWORD

The guidelines for jury system management presented in this volume were developed from the study of jury system operations in many federal, state, and local courts. These operations include the selection of potential jurors' names from source lists, determination of those qualified for service, procedures for summoning them to the courthouse, their assignment for service on trial juries, their final release from service, and all related administrative activities.

During the study, it became apparent that uncounted variations exist in all aspects of the jury system -- the source lists used, methods of random selection and when to use them, summoning and qualifying procedures and whether to combine them, exemption and excuse policies, frequency of updating the master wheel, length of jury terms, juror fees, juror waiting time, juror comfort. It was also evident that knowledge of these variations is not widespread and that many jurisdictions are eager to learn more about innovative and cost-effective methods which might be beneficially adapted in their operations. A Guide to Jury System Management provides a mechanism by which management improvements attained by those methods can be shared.

The guide is intended for judges, jurors, court administrators, clerks, and all who have an interest in jury systems. The hope is that review of the material it presents might clarify the responsibilities of the people involved in the jury system and promote unified efforts to produce effectively operating systems.

Beyond these management objectives is the goal of improving jury service for the army of some two million citizens who are called to jury service each year. The reservoir of good will from citizens of this country becomes operational as they participate in the work of the courts. Better management of jury systems will not only save time and money for the courts but will enhance the psychic rewards of these participants.

ACKNOWLEDGMENTS

We have many people to thank for help, advice, and cooperation in the study which led to this guide, particularly the court personnel at all levels and the many jurors in the following courts who provided valuable data:

- | | |
|--|--|
| San Joaquin County Courts, California | Hennepin County District Courts, Minnesota |
| Denver County District Courts, Colorado | Essex County Courts, New Jersey |
| Judicial Department, State of Colorado | State and City Courts, New York County |
| Superior Court, State of Delaware | Monroe County Courts, New York |
| Superior Court of the District of Columbia | Harris County District Court, Texas |
| Eleventh Judicial Circuit of Florida | Federal District Courts for: |
| Superior Court of Lake County, Indiana | Colorado |
| Shawnee County Courts, Kansas | District of Columbia |
| Wyandotte County Courts, Kansas | Minnesota |
| Sixth Judicial Circuit of Maryland | New Hampshire |
| Seventh Judicial Circuit of Maryland | New York Southern |
| Sixth Judicial Circuit of Michigan | Texas Southern |

We are also grateful for the assistance of:

- Administrative Office of the United States Courts
- Committee on the Operation of the Jury System of the Judicial Conference of the United States
- Federal Judicial Center
- National Conference of Metropolitan Courts
- National Conference of State Trial Judges

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ABSTRACT

Based on a study of jury system operations in many federal, state, and local courts, this document complements A Guide to Juror Usage which dealt primarily with the efficient handling of jurors after they reach the courthouse. A Guide to Jury System Management presents guidelines for planning and efficiently operating all aspects of the jury system, including the composition of source lists; the selection, qualification, and summoning of prospective jurors from those lists; and the utilization of jurors during the term of service. It reports innovative and cost-effective techniques observed in many of the courts studied. Advantages and disadvantages of various practices are discussed, such as the use of multiple source lists, the combination of qualification and summoning into one step, and the use of randomization at every step of juror selection. Methods for monitoring jury system activities and for simplifying clerical paper work are introduced. The need for formalized planning in order to achieve an orderly, integrated jury system is emphasized.

CONTENTS

Section	Page
1. INTRODUCTION	1-1
1.1 Management Objectives	1-1
1.2 The Jury System Today	1-3
2. THE SELECTION PROCESS	2-1
2.1 Setting Up a Master Wheel	2-2
2.2 Establishing a Qualified Wheel	2-9
2.3 Summoning for Jury Duty	2-14
2.4 Yield -- A Quantitative Measure of the Selection Process	2-16
3. THE SERVICE PHASE	3-1
3.1 Enrollment and Orientation	3-2
3.2 Juror Utilization	3-4
3.3 Selection for a Trial	3-12
3.4 Exit Interviews and Questionnaires	3-20
4. PLANNING AND OPERATION	4-1
4.1 Jury System Planning	4-1
4.2 Jury System Responsibility	4-2
4.3 Streamlining the Paper Work	4-6
4.4 Jury System Costs	4-12
Appendix A -- Example Jury System Plan	
Appendix B -- Forms	
Glossary	
Related Reading	

SECTION 1
INTRODUCTION

There usually are three occasions in the life of an American when he, or she, is called upon to come to the support of the country. From time to time our young people are called on to perform service in the armed forces, in the defense or protection of our country. From time to time all citizens are called upon to vote -- to help choose those persons who will lead and direct our country. And from time to time we are called upon to accept service as jurors in the trial and disposition of civil and criminal cases. To take our part, for short periods of time, as vital members of the judicial process. To take our part in making democracy work.

Chief Judge Grady L. Crawford,
11th Judicial Circuit of Florida

This guide, like its companion A Guide to Juror Usage, is intended for use by judges, court administrators, jury clerks, and others interested in the jury system of a court. "Jury system", as used here, is the entire process of selecting names of citizens to serve, summoning them to court, and making good use of their services while they are there; the guide does not address any aspects of "court system" management or elements of court practice except where these have a direct impact on the jury system. Since every court is unique in its traditions, culture, and precedents, the general principles which the guide presents will need to be tailored to the specific requirements of individual courts.

1.1 Management Objectives

Good management of the jury system requires that all of its interrelated parts be considered an entity, under central authority of the court, operating in a manner to achieve the following objectives:

- Maximum responsiveness to court needs
- Maximum citizen participation in jury service
- Minimum economic burden on the individual
- Minimum community cost of the jury system

Management practices that support these objectives may be summarized in eight general guidelines:

- (1) Develop a written and comprehensive jury system plan to ensure compliance with the statutes.
- (2) Summon prospective jurors directly and randomly from the master list (voter list or other source), to minimize paper work and unnecessary citizen activity.
- (3) Maintain random order of names as selected from the master list, to give every prospective juror a chance to serve and to maximize cross-section representation.
- (4) Monitor yield of jurors from selection and utilization of jurors during service, to ensure their full involvement in the jury system.
- (5) Make orientation brief (an hour or less), in order to use jurors for trial activity on the same day and to save juror time and court costs.
- (6) Eliminate unnecessary typing and paper work in the jury lounge by using preprinted forms, rapid check-in methods, and photocopy reproduction.
- (7) Maintain communication between the court and jurors by use of the Jury Service Exit Questionnaire, to provide information for corrective adjustments in the jury system and to utilize this source of good will for the courts.
- (8) Adjust term of jury service to ten reporting days or less, to minimize burden on citizens and to reduce the necessity for exemptions and hardship excuses.

1.2 The Jury System Today

Collectively, the jury system in the United States is a very impressive operation in which some 3,000 jury-using courts require about 20 million juror days per year. About one million (5%) of those juror days are spent in the federal district courts; state and local courts use the remainder. At an average jury term of about ten days, the required jury duty is provided by approximately two million different individuals. The actual number of days individuals serve varies considerably because some courts have much longer jury terms than others.

In addition to the people who serve as jurors, many others are touched by the jury system. A qualification questionnaire is sent to at least eight million individuals listed in randomly selected "master wheels". At least half of these are found to be qualified for jury service and are listed on the "qualified wheels", from which the summoning process yields the two million jurors needed.

Since adoption of the Jury Selection and Service Act of 1968,¹ when the federal courts were required to give up the practice of using blue-ribbon juries selected by keymen, voter registration lists have been the most common source for potential juror names. Because voter lists are limited to some extent by age and other factors (such as some citizens' failure to register), they include only 72% of those eligible to vote, or about 76 million people. In some jurisdictions, the voter list is now being supplemented by other sources such as driver registration lists, local census information, and city directories, to provide a better cross section of the community.

The cost of 20 million juror days per year is substantial, whether viewed from the standpoint of the fees paid by the courts or in terms of consumed manpower costs. The average jury fee is approximately \$10 per day, or about \$200 million per year. However, the cost to society based on the average wage is estimated to be about three times this amount, or about \$600 million. The cost of maintaining people at their full salaries during the time spent in jury duty is largely borne by employers and is included in their overhead costs.

¹ Pub. L. 90-275, Mar. 27, 1968, 82 Stat. 53 (Title 28, secs. 1821, 1961-1869, 1871).

An average of only about 15% of jurors report losing money as a result of serving on jury duty. The percent who do lose money is related to the jury fee paid, as shown in Figure 1-1. In courts which pay \$20 per day, some 10% to 18% lose income. At a fee of \$25 per day suggested by some as an adequate juror fee, it is estimated that no more than 8% to 12% would lose money. A small percentage, representing highly paid and nonsubsidized people such as salesmen on commission, will lose money regardless of any reasonable fee. These percentages do not include those excused prior to service because of financial hardship.

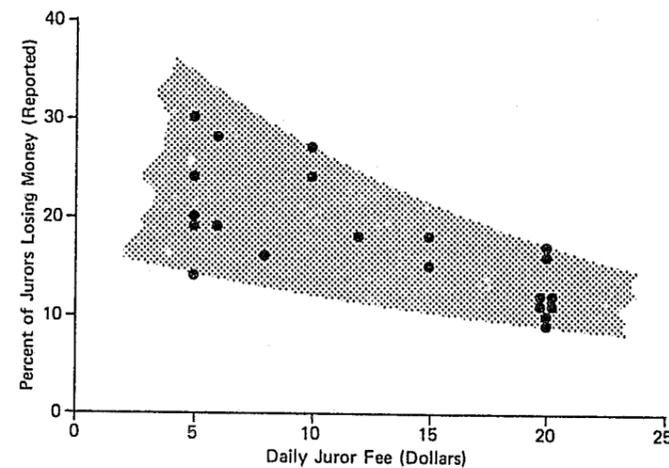


Figure 1-1. Percent Reporting Loss of Income in 21 Courts

A factor contributing to the individual economic burden of jury duty is the length of jury service terms, which differs quite widely among both state and federal courts. For example, in Los Angeles (where some 20 days of service are required), nearly 20 times as much will be lost per juror as in Houston (with a one-day term), even though the jury fee is \$5 per day in both courts. Statutes usually define the maximum length of the term; however, many courts assume this to be the established term, not realizing that a shorter term may be possible. In most courts, the length of the jury term has not been reconsidered in recent times, and many courts are reluctant to reduce present terms and undertake the increased administrative work which might result from calling new jurors more frequently. This burden has been found to be slight in courts which have adopted modern computer techniques and simple reporting procedures. A short term spreads the opportunity for service among more citizens and it does not disrupt their ordinary working and social patterns appreciably.

In general, jurors react favorably to their jury service. This reaction does not seem to be influenced by low fees or by whether or not they lose money. Among thousands of jurors polled at the end of their terms, 90% were favorably impressed with the experience, particularly those who had the opportunity to serve on at least one trial and whose waiting time was minimal. The effect of waiting on juror attitudes in one metropolitan court is exhibited in Figure 1-2. The overall positive response in this court was 65% -- well below the 90% average -- due primarily to the large number of jurors who waited too long, the treatment they received, and the long term of service (four weeks).

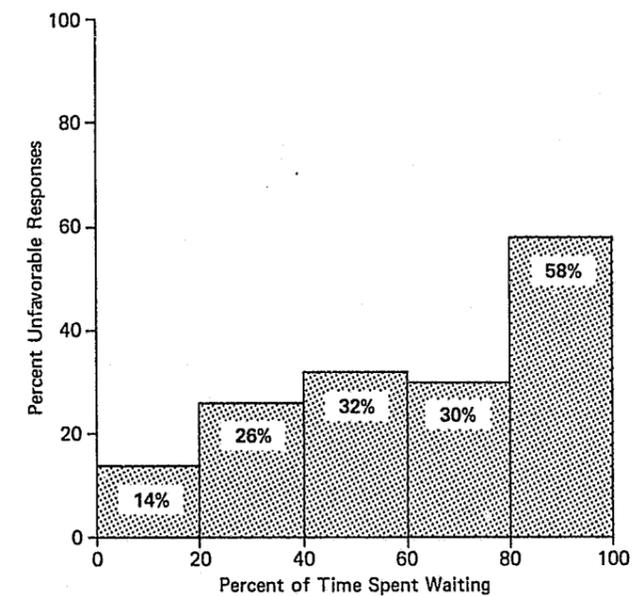


Figure 1-2. Effect of Waiting Time on Juror Attitudes in a Large Court

SECTION 2
THE SELECTION PROCESS

The object is to devise a system that is fairly representative of our variegated population, exacts the obligation of citizenship to share in the administration of justice without operating too harshly upon any section of the community, and is duly regardful of the public interest in matters outside the jury system.

Justice Felix Frankfurter,
United States Supreme Court

Each year an army of some two million people is mobilized to serve as jurors in the courts. The process of identifying them by name and getting them to serve is a logistic marvel, especially so since the 3,000 courts perform the operation in nearly as many different ways. Some of these ways are better than others in terms of the efficiency of the process, the yield of jurors, the costs involved, and the community cross section obtained.

The selection process is usually conducted in three stages:

- Setting Up a Master Wheel -- selecting and storing a random subset of names from a general list, usually the voter registration list or a combination of several lists.
- Establishing a Qualified Wheel -- selecting a random subset from the master wheel; sending the qualification questionnaires; reviewing those returned to screen out people unqualified, exempt, or validly needing to be excused; and finally listing those qualified.
- Summoning for Jury Duty -- issuing the summons to a random subset from the qualified wheel; and again screening out those unqualified, exempt, or validly needing excuse or postponement.

In some courts, these three stages are compressed into two, combining the qualification and summoning processes into one integrated procedure and thereby reducing the amount of paper work handled by the prospective jurors, the jury commissioner, and the courts. In this direct summoning operation, the summons is issued to a random subset of the master wheel. The summoning forms used are designed to elicit the same information previously provided by the qualification questionnaires.

The experience of courts using combined qualification and summoning brings into question whether a separate qualification process is necessary anywhere. Many state statutes do not require it. The purpose of this process is to eliminate from the master wheel a high percentage of those not qualified to serve on the jury, leaving only a very small number (say, 10%) to be excluded during the summoning stage. In actual practice, this never occurs. The percent removed at the qualifying step and at the summoning step appears to be about 50% for each, and the combined yield of the two steps is about 25% of the names from the master list -- about the same as the results of the more direct procedure.

For example, two courts in Kansas and New Mexico, where a separate qualifying step is not required, have a yield of jurors representing 22% and 27% of those summoned. In Harris County (Houston), Texas, where there are limited statutory exemptions and excuses, few postponements, and a non-response rate of only 10%, the direct summoning system yields an extremely high 35%.

2.1 Setting Up a Master Wheel

In the juror selection process, establishment of a master wheel should be considered as an intermediate step whose purpose is convenience to the court and assurance of a random sample of the population. If the voter registration list and other source lists are maintained in a different part of the state, it is more convenient and efficient to have a list, or master wheel, locally accessible to the court. This master list represents a random sample of the source list or lists from which another selection is to be made in establishing the qualified wheel. The random selection procedure attempts to assure an equal chance of jury service by a representative cross section of the community.

It is important that the master wheel be updated as regularly as the source list or lists are revised. That is, if names are continuously being added to or removed from the source lists, then the master wheel should be emptied and refilled frequently. Although the representativeness of source lists and the randomness of juror selection from these lists are often challenged in the courts, these characteristics are seldom questioned by those responsible for jury system management and may require greater attention in the future. They are discussed in more detail in the paragraphs which follow.

2.1.1 Source Lists

In most state courts and in all federal district courts, the voter list is the source of names for selection of prospective jurors. This list (either those registered to vote or those who voted in the most recent election) covers a much wider cross section of the population than source lists previously prepared by keymen. In fact, the federal code mandates the voter registration list as the basis for determining proportional representation for the county, parish, or political subdivision. For the federal system, therefore, the voter list is the adequate cross section by definition.

Most judges and court administrators accept the voter list as the best single list to use. Many judges feel strongly that it provides a perfectly adequate cross section of a jurisdiction. They also feel the list has many desirable features, the most notable being that it includes all those who displayed civic responsibility by participating in elections. In addition, all those on the list have sworn to the qualifications of citizenship and residence. In many state and local jurisdictions, however, the question has been raised as to whether the sole use of the voter list does provide an adequate cross section. Since voter registration tends to lag until just before a presidential election, the voter list in the intervening four years does not fully represent significant elements of the population, particularly the young and transient. Also, surveys of election boards in several jurisdictions indicate that citizens fail to register in order to avoid being called for jury duty.¹

For these reasons, many states and counties are increasingly concerned with achieving a better cross section by adding supplementary lists to the voter list to provide a source of prospective juror names. Kansas adds the state census. Alaska uses the voter list, driver license list, and hunting/trapping/fishing license list as primary sources. Certain counties in California, Nevada, and Idaho manually add names to the master list. Allegheny County, Pennsylvania, uses four lists; Kings County, New York, uses two.

¹U.S., Congress, Senate, Senator Kennedy reporting on "Use of Voter Registration Lists for Jury Selection," 94th Cong., 1st sess., Apr 15, 1975, Congressional Record, p. S5985.

Colorado supplements the voter list with the driver license list and city directories, when available.² Vehicle registrations were also included originally, but were dropped because of the difficulty of eliminating corporate listings. Although this is not a complete inventory of all states and counties that use multiple lists, it shows that there is growing interest in the subject.

Several lists that have been used or discussed as a source for jurors' names are given in Table 2-1, along with some of their inherent limitations.

Table 2-1. Possible Source Lists for Juror Selection Process

List	Inherent Limitations
Social Security	Not Available
Voter Registration	Not Up to Date; Not Complete
City Directory	Not Complete; Low Income Missing
Census	Federal List Not Available
Motor Vehicle	Institutional and Corporate Listings; No Age Identification
Driver License	Not Up to Date (4 Years Typical)
Real Estate Tax	Commercial Properties; Mortgage Companies; Male Bias
State Income Tax	Not Available; Male Bias
Welfare	Not Available
Telephone Directory	Jurisdictions Not Always Apparent; Male Bias
Utility Customers	Jurisdictions Not Always Apparent; Not Resident Owner; Male Bias

²In his study of many jurisdictions, J. VanDyke found the best proportion of young people in Denver, Colorado, where multiple lists have been used for years (Our Uncertain Commitment to Representative Juries [New York: Twentieth Century Fund, to be published 1976]).

Courts considering the use of multiple lists should be aware of several problems which accompany the obvious merits of the practice:

- (1) Limited Availability. The best lists (social security, federal census, and income tax) cannot be used. However, a state or local census is available in some jurisdictions (Boston; Kansas), as are some local income tax lists (New York City).
- (2) Inefficiency. Combining lists is costly and usually inefficient. This is particularly true if the individual lists are updated at different times, in which case the combined list should be recompiled each time one of the lists is revised. It is also very inefficient to generate a large, nonduplicative master list when only a very small number of names is required (e.g., 10,000 selected out of 1,000,000). In a recent paper, Kadane and Lehoczky present four methods for directly combining the lists and compare the resultant randomness and cost.³
- (3) Incompatibility. The lists to be combined may not be in compatible formats, requiring manual procedures.
- (4) Duplications. Because of difficulties in eliminating duplicated names in multiple lists, an individual as well as a class of individuals named on several lists has a greater probability of being selected than those named on only one list. Courts confronted with this problem accept the duplication rather than to exclude a qualified citizen. The elimination of duplicates, either by computer or by hand, creates two types of error: exclusion of a name which is not truly a duplicate; and inclusion of a name which is truly a duplicate. Present computer programs employ a direct matching technique using the last name and some extraction of other information. No attempt is made to resolve differences in spelling (Abbot, Abbott); different addresses for a person who has moved; apparent duplications involving father and son (Jr. /Sr. designations); or different addresses for the same individual (street address versus box number). Identification of corporate entities is also sometimes difficult (Johns Garage; Ace Driver). The best method for removing duplicates is to require a unique individual identification in each list, such as the social security number (as is done in Alaska).

³J. B. Kadane and J. P. Lehoczky, "Random Juror Selection from Multiple Lists", Operations Research, 1976.

Table 2-2 summarizes the 1974 results from combining the lists in Colorado. As indicated, the computer removed about 29% of the duplicated names; the resulting combined list is 96% larger than the voters list alone. A sample evaluation of this combined list indicates that 9% of the names left on the master wheel are duplicated.

Table 2-2. Effect of Multiple Lists in Colorado, 1974

Item	No. of Names
Voter Registration List	1,206,811
Driver Licenses	1,497,553
City Directory	621,759
Total	3,326,122
Duplicates Removed by Computer Editing (29%)	964,860
Resulting Master Wheel (96% Increase Over Voter Registration)	2,361,262

Some courts have developed ingenious systems for using multiple lists, apparently being unaware of the four underlying problems cited above. One court uses the voter list in the spring and the driver license list in the fall. Obviously the class of people appearing on both lists have twice the probability of selection as the class appearing on only one (e. g., the young). Another court uses four lists, supplementing the voter list with small samples from utility, welfare, and property tax lists, without checking for duplicates. Although the practice does seem superficially to widen the cross section, it backfires by giving those on all four lists eight times the probability of selection as those on only one list.

The use of multiple lists is varied, with some jurisdictions using questionable techniques. Neither research efforts nor the literature has given the complete guidance necessary to ensure that courts will not repeat mistakes already made. This is clearly one area needing attention.

2.1.2 Randomization in Selection

Randomization is the hallmark of juror selection, from the first random selection of names from the source list to the random selection of a jury in the courtroom itself. The symbol of this process is the drum, or wheel, sometimes small and sometimes large enough to hold a million cards or coupons. All are easily replaced by the random number generation capability of computers. Whatever the method, the purpose is to select jurors "in a manner to produce a fair cross section of the community in the district or division wherein the court convenes."⁴

There are many methods of random sampling, but generally the following are used in the random selection of potential jurors from the source list: complete randomization, or a random start with a fixed interval.

Complete randomization implies that each name in the source list is assigned or already has associated with it a number which is matched to a computerized random number generator or to a random number table as a means of selecting a subset or sample. Under this method, the number of possible different subsets is very large, and every individual on the source list has an equal opportunity of being selected in each subset. This basic method of random selection is used in many courts and in many variations, including the manual selection of names from the classic "wheel".

When the random-start/fixed-interval method⁵ is used, a subset of names is chosen as follows. Names on the source list are numbered in sequence. The number of names to be selected from the source list is divided into the total number on the list; the result is called an "interval". Then a random number is selected in the range one through the interval number; this is the starting number

⁴ Uniform Jury Selection and Service Act, drafted by the National Conference of Commissioners on Uniform State Laws (approved by the American Bar Association, February 7, 1972).

⁵ The random-start/fixed-interval method is described in greater detail as part of the method for selecting names from the source list suggested by the Administrative Office of U. S. Courts in its publication Automating Jury Clerical Work (October 1974).

(i. e., random-start) corresponding to the first name of the subset. The interval number is then added successively to the starting number and so on to determine other names in the subset.

For example, if a subset of 100 names is desired from a list of 1,000, the interval is 10. A random number from 1 through 10 (say, 4) is chosen as the starting number. The subset is thus defined as the names corresponding to numbers 4, 14, 24, etc., to 994. In contrast to the large number of subsets under "complete randomization", only 10 subsets are theoretically possible in this example (those starting with the numbers 1 through 10).

To ensure proper randomness of the starting number, some safeguards should be taken in using this method, such as use of an unbiased mechanical means of selecting the number instead of "guessing" (which in the example would most likely result in the choice of number 3 or 7). If the interval calculated is not a whole number, it is very important to round up to the next number; rounding down will exclude the tail end of the list.

It is not easy to determine which of these two randomization processes generates a better cross section. Complete randomization provides an equal opportunity of selection for all; but since all subsets are equally probable, it might have strange results. For example, just as complete shuffling of cards sometimes produces a complete hand of hearts (very rarely, of course), one of the many subsets possible under this method might be composed of all A's, or all whites, or all blacks. Thus, cross section is not necessarily a corollary of complete randomization.

The random-start/fixed-interval method is not likely to create such extreme subsets. It will not produce subsets containing two or three contiguous names from the source list, thus eliminating the possibility that husband and wife, or father and son, will be drawn together (assuming an alphabetical list). Hence, it is probably the more conservative way of ensuring that the subset drawn from a proper cross section will also be a cross section; and it is the easier method to use, especially if hand selection is involved.



Once a random subset has been generated from the source list to form the master wheel (or to serve as the basis for summoning), the question might be raised as to whether further randomization is necessary. The answer depends upon the order in which the names are stored on the secondary list (e. g., the qualified wheel). If it is in alphabetical order, then it is obviously necessary to randomize again as selections are made from this list. But if the names are listed in the random order in which they were selected by the complete randomization method, no further randomization is necessary. That is, the first 100 names on the list are just as random as 100 selected in any other way. If names are stored on the list in order of their selection by the random-start/fixed-interval method, then a random-start/fixed-interval should again be used because the secondary list will retain the order of the source list.

If randomization is used at each selection stage and names are returned to the wheel after jury service, those names can be redrawn and the equal chance of being selected in the overall process is changed to an equal chance of being selected at each drawing. The result is some concentration of service on a small group, and thereby poorer achievement of the desired cross section, since by chance some may be selected two or three times while others are not selected at all.

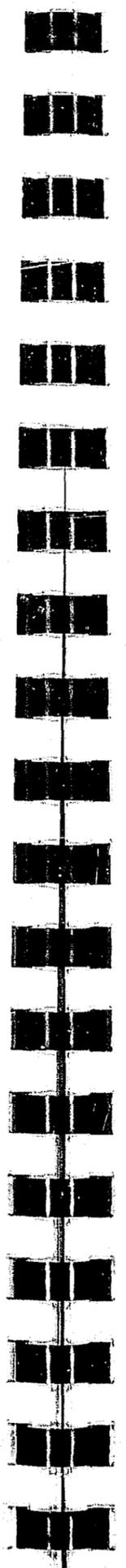
2.2 Establishing a Qualified Wheel

Qualification is a process designed to ensure that people who may be summoned for jury duty meet juror standards prescribed by law. The qualifying process has customarily been a function of jury commissioners, handled apart from other jury system operations. The process usually comprises three steps: randomly drawing a predetermined number of names from the master wheel; sending to them a qualification questionnaire (usually by regular mail); and screening out those whose responses reveal they are not qualified to serve. A few courts follow the questionnaire with personal interviews; the yield of qualified jurors in these has been no better than in other courts studied. The result of the qualification process is a list, or the qualified wheel, of prospective jurors presumed to be able and ready to serve when summoned.

2.2.1 Qualification Questionnaires

The qualification questionnaire is the first of many information sources for the juror. It tells him that he is being considered for jury duty and that he may be disqualified, exempt, or excused. It may also include such information as the specified date for return, the penalties for non-return, and a list of exemptions and excuses and how to request them. Often the questions ask for additional information not needed to determine qualifications for jury service (e.g., marital status, real estate holdings, education). Among the questionnaires studied, some asked as few as six questions; others, as many as fifty. Some courts feel that detailed information as given on some qualification questionnaires should be maintained for reference in the event of a challenge to the array.

Good planning and attention to the questionnaire's real purpose can produce a form that is easy to complete, requiring only necessary information and saving for the summons any questions more applicable to that stage. As a result, returned forms will be easier to screen and perhaps the number of responses will increase. An example of a simple, generalized form is given in Figure 2-1.



State of xxxxx
County of xxxxx

JUROR QUALIFICATION QUESTIONNAIRE

- This questionnaire is necessary to determine your qualification for jury service in xxxxx County. It must be filled out and returned to the court in the enclosed envelope within 10 days.
- This is *not* a summons for jury duty. If you qualify and your name is drawn, a summons will be sent to you indicating the date and location you should report for jury service.
- Failure to return this completed form may require a personal appearance before the court. Persons failing to appear as directed may be fined not more than \$100 or imprisoned in the county jail not more than 2 days, or both.
- Applicable statutes concerning juror qualification and service are printed on the reverse side of this form.

NAME ADDRESS CITY, STATE	Complete and Return Within Ten Days
PLEASE ENTER CORRECT ADDRESS IF NECESSARY	

Yes No
(check one)

1. Have you served on jury duty within the past 12 months?
If yes, where and when? _____
2. Are you a citizen of the U. S. and over the age of 18 years?
3. Have you been a resident of xxxxx County for 6 months?
4. Are you able to read, speak, and understand the English language?
5. Are you ineligible to vote because of a felony conviction?
6. Do you have a physical or mental infirmity which would affect your ability to serve on a jury?
(see No. xx on the reverse side of this form)

Sign Here _____
Date _____

Figure 2-1. Example Qualification Questionnaire

2.2.2 Exclusions From Jury Service

Some of the individuals to whom the questionnaires are sent may subsequently be removed from further consideration for jury duty. One group includes "undeliverables" and, usually, non-responders (since few courts exercise sanctions against the latter). Another group includes those whose responses to the questionnaire result in exclusion from jury service because of disqualification, exemption, or excuse. These three categories are compared in Table 2-3.

Table 2-3. Comparison of Exclusion Categories

Exclusion Category	Typical Basis	When Usually Exercised	How Exercised	Permanence
Disqualified	Read-Write Felon Minimum Age Citizenship Residency	Qualification	Mandatory	Removed From Qualified Wheel
Exempt	Over Age Profession Child Custody	Qualification and Service	Elective (Mandatory-Fed)	Removed From Qualified Wheel
Excused	Hardship Inconvenience	Service	Elective and Granted	Postponed Temporarily

In some jurisdictions, only disqualification is exercised at the qualification stage; others handle all types of exclusions at that time. In some, a judge must pass on all exclusions; in others, only excuses requiring the most discretion are heard by a judge. Sometimes exemptions and excuses are grouped together. In federal practice, exemptions are not elective -- those exempt are barred from serving. Exclusion criteria are very different from jurisdiction to jurisdiction, and within the same jurisdiction often are interpreted differently, at different times, and by different people.

There is a nationwide trend for the abolishment of all class exemptions. Each request for an excuse is then considered one by one under a hardship classification. Lawyers, newsmen, doctors, teachers, students, even judges all now get their chance to participate. The abolishment of exemptions from jury duty coupled with a shorter term of service makes service by all a realistic possibility.

2.2.3 Management of the Qualified Wheel

With good management practices, the qualified wheel will be monitored at frequent intervals to ensure that it contains sufficient names of recently qualified people to supply anticipated needs of the court. In most courts, attention to the qualified wheel is casual, at best. The following suggestions are based on practices observed in courts with well-managed operations:

- (1) Keep adequate records of the number of names to whom qualification questionnaires are sent, the number not reached or not responding, and the number excluded for various reasons. On the basis of these data, the yield (number qualified) from future questionnaires can be predicted, within narrow limits.
- (2) Qualify at frequent intervals, if possible just prior to summoning. This will produce the best yield and the fewest "no shows". Data for several courts indicates a 5% decrease in yield per year as the qualified wheel ages. If the qualified wheel is filled only once every four years, for example, the yield will drop about 20% because names of people who have moved, died, and changed exclusion status remain on the list.
- (3) Do not qualify too many people at one time. The qualified wheel should contain sufficient names to supply the anticipated number to be summoned. Some courts qualify many times the number needed in the mistaken belief that this gives a better cross section. Over-qualifying wastes the time of court personnel and the attendant cost, as well as the time of citizens who respond to the qualification questionnaire but are never summoned for jury duty.
- (4) Do not return to the qualified wheel the names of individuals who have served, for this diminishes the effectiveness of the randomization process.
- (5) Maintain a written plan setting forth exclusion policies, prescribing the procedure to be followed in their use, and designating persons with authority to act.

2.3 Summoning for Jury Duty

The summoning process usually involves two steps: drawing a sufficient number of names from the qualified wheel to provide jurors for the forthcoming term, and sending to them a summons for jury duty. The yield from the process provides the jurors who will be available for service.

The summons for jury duty used to be hand carried by sheriffs or process servers, but most courts now use the postal service. The result has been greater convenience for those served, an increase in response rate (going from 65% when hand delivered to 85% when mailed in Boston, for example), and substantial cost savings. All federal courts and about half of the state courts use certified mail for serving the summons; no difference has been seen between their response rates and those in courts using regular mail. A problem with certified mail delivery pointed out by one metropolitan court is that some mailmen will not leave the summons if the addressee is not at home. Because the post office is closed in the evenings, many addressees simply postpone or neglect the personal Saturday trip to the post office which this necessitates. In this court, a first class letter follow-up found many of those who did not respond to the certified summons.

In most courts, the prospective juror is summoned to appear in person on a specified date, at which time requests for postponement, excuse, and exemption are heard. In some, an opportunity is provided for these requests to be handled by mail prior to the reporting date, thus effectively reducing the work to be done on the opening day of the term. Although persons who fail to respond to the summons are subject to prosecution, this is seldom enforced.

2.3.1 Summons Form

The summons is the legal notice by which a prospective juror is commanded to report for jury service. It tells him where and when to report, but the nature and amount of other information on the form varies from court to court. A well-planned summons form is tailored to fill the needs of the court by which it is used and the prospective juror receiving it. In courts which do not use a separate qualifying step, for example, it is useful to include on the summons questions usually asked on the qualification questionnaire to provide necessary information about eligibility, with responses required early enough

to screen out excluded persons prior to enrollment day. There is no need for this kind of information in courts where it has already been provided in response to a qualification questionnaire.

The summons form used by the Supreme Court of New York County was designed for multiple use -- to summon jurors for service; to supply the clerk with a card (detachable from the summons) for use in keeping attendance records; and to provide the juror with a certificate of his service in the court (reverse side of the summons). With all the blanks on the form filled in prior to reporting, a great deal of time and effort is eliminated from the enrollment day procedures. Advantageous features of this form are incorporated in the simplified paper work system described in Section 4.3.

2.3.2 Management of the Summoning Process

If the earlier stages of the selection process are operating efficiently, the summoning process is primarily a matter of calling in prospective jurors from a carefully prepared qualified wheel. The following suggestions incorporate practices which have been found useful and effective in management of this stage:

- (1) Review the design and format of the summons form to ensure that it provides appropriate information to the prospective juror. Consider whether modification of the form will enhance its usefulness in the court's operations (e. g., a detachable card which can be used in the service phase).
- (2) Include with the summons an information sheet giving the juror helpful advice such as bus routes, availability of parking, jury room amenities, court hours, and the like. This may eliminate time-consuming telephone inquiries. A good example of such a sheet, which has been adopted by many courts, is included in the system described in Section 4.3.
- (3) Consider the practicability of handling most of the requests for excuse, exemption, and postponement by mail prior to the reporting date.
- (4) Ensure that postponements are not automatic or repeated. Some are necessary and appropriate to allow prospective jurors to arrange their schedules, but the postponement privilege can be abused without the court's knowledge.

- (5) Keep accurate records of important statistics -- the number of names to whom the summons is sent, the number not reached or not responding, the number excused (for each of a defined list of reasons), the number retained for service. Analysis of these data will provide a good estimate of the number of names which need to be drawn from the qualified wheel in order to satisfy the court's calendar. Several courts have found such records useful in defense of challenged selection practices.

2.4 Yield -- A Quantitative Measure of the Selection Process

The effectiveness of the selection process may be measured and monitored by calculating the "yield" of jurors, based on the number who actually serve in the court in proportion to the number involved in the process. In courts using separate qualifying and summoning operations, the yield is measured at both stages; the product of these two calculations gives the overall selection process yield for the period. In a direct summoning operation, overall yield can be measured in one step.

For example, assume that 1,000 names are drawn from the master wheel and 500 of these are qualified. The qualification yield is 50%. If 400 are summoned and 280 become jurors, the yield of the summoning process is 70%. And the overall yield of the selection process (50% x 70%) is 35%.

The yield for each period is like a sample and may reflect many different influences -- weather, seasonal periods, holidays, etc. Each one may be expected to be different; but the accumulated data recorded over a period of time will provide an average yield measure and disclose the overall pattern of selection process results. This pattern and any significant departures from it will furnish a practical basis for important management decisions.

To see the developing pattern of yields clearly, it is necessary to organize the experience in a way to permit its retention and examination. Several forms developed for this purpose are provided in Appendix B. Their use is illustrated in the paragraphs which follow with data from a large metropolitan court. Step-by-step procedures are described, the court's experience is analyzed, and results of comparable analyses in other courts studied are reviewed.

2.4.1 Yield for Individual Selection Periods

The computation worksheet illustrated in Figure 2-2 is used to record qualification and summoning data. If several calls are made from one qualified wheel, the qualification data entered in the top part of the form is repeated on each worksheet used during the period in order to provide the necessary information for computing overall (total) yield for the period. In courts which do not have a separate qualification step, only the bottom portion of the form is required.

YIELD COMPUTATION WORKSHEET				
QUALIFICATION (Date <u>JAN 6, 1975</u>)	Number	Percent	Number	Percent
<i>(Use only if qualification is a separate step)</i>				
Number of Questionnaires Sent			90,000	100%
Less:				
Undeliverable	23,760	26.4 %		
Not Returned	10,980	12.2 %		
Total Non-Response	34,740	38.6 %		
Disqualified	13,680	15.2 %		
Exempt	1,530	1.7 %		
Excused	9,210	10.3 %		
Total Excluded	24,480	27.2 %		
Total Qualified			30,780	
			Qualification Process Yield	34.2 %
SUMMONING (Date <u>MAY 5, 1975</u>)				
Number of Summons Sent			1,600	100%
Less:				
Unclaimed	376	23.5 %		
No Show	78	4.9 %		
Total Non-Response	454	28.4 %		
Disqualified	14	0.9 %		
Exempt	10	0.6 %		
Permanently Excused	18	1.1 %		
Postponed	200	12.5 %		
Total Excluded	241	15.1 %		
Total Jurors Serving			904	
			Summoning Process Yield	56.5 %
OVERALL YIELD:				
Qualification Process Yield	34.2 %	x	Summoning Process Yield	56.5 %
			=	19.3 %

Figure 2-2. Computation of Selection Process Yield

Following is a discussion of the example court's experience during one period, as revealed by the data entered in the worksheet and illustrated in Figure 2-3.

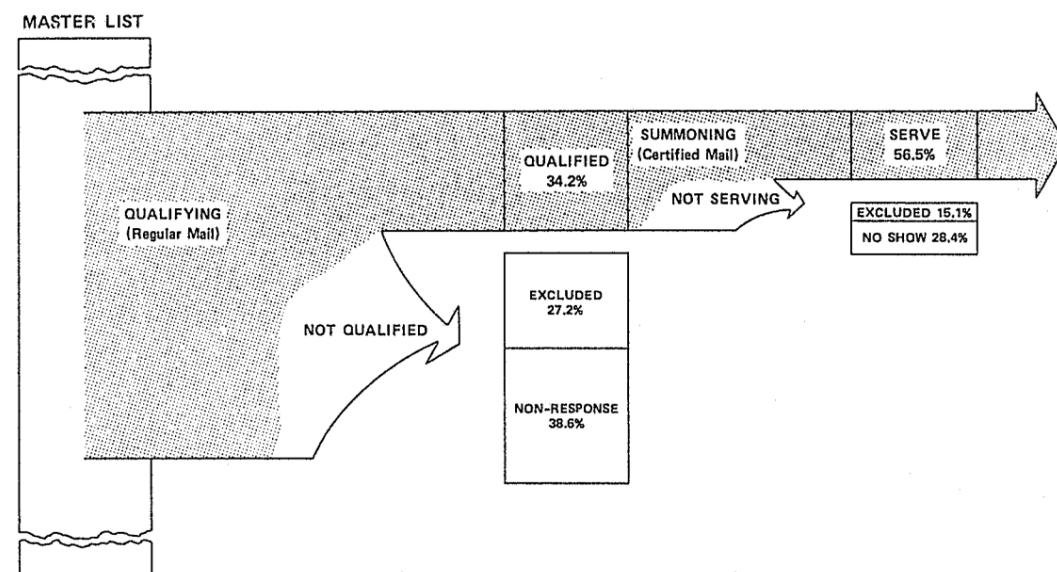


Figure 2-3. Selection Experience in a Large Court

(1) Qualification Yield. As indicated, the yield (or qualified wheel) was 34.2% of those to whom the questionnaire was sent. In the courts studied, this is usually about 50% and is seldom above 60%. If the yield is low, some courts merely send out more qualification questionnaires (in one metropolitan court where the qualifying yield was only 17%, a questionnaire was sent to everyone on the voters list). Efficiency of the operation would be better served by examining the factors which affect the yield -- the exclusion rate and the non-response rate:

- Exclusion Rate. This category includes those disqualified (15.2%), exempt (1.7%), and excused (10.3%), totalling 27.2% excluded in this court during the qualification process. In the courts studied, the exclusion rate in this stage ranged from 25% to 50%.

- Non-Response Rate. The total non-response rate of 38.6% in this court comprised 26.4% undeliverable questionnaires and 12.2% not returned by the recipients. The non-response rate in courts studied ranged from 12% to 46% in this stage.

Examination of these factors raises several questions. For example, why were 10.3% excused at the qualification stage by a jury commissioner when authority for granting excuses rests with the court? Is the 26.4% undeliverable questionnaires the result of an outdated master list? Should action be taken against the 12.2% who simply did not fill out and return the questionnaire?

(2) Summoning Yield. The summoning yield in the court was 56.5% of those to whom the summons was sent. In other courts studied, summoning yield ranged from 30% to 85%, but was usually about 50%. Again, it is important to investigate contributing factors:

- Exclusion Rate. At this stage, this category includes those disqualified, exempt, and excused (totalling 2.6%) and those postponed (12.5%), or a total exclusion rate of 15.1%. This rate ranged from 12% to 50% in the courts studied.
- Non-Response Rate. A large 23.5% unclaimed summonses together with 4.9% no-shows in response to the summons produce a total non-response rate of 28.4%. The range in courts studied was from 1% to 28%.

The extremely high non-response rate in this court would appear to indicate that there is little fear of the consequence of ignoring a legal notice to appear for jury duty. In some courts, follow-up notices have reduced the number of delinquents by as much as 50%; some use an annual publicity story about arrests of delinquents in order to discourage others. Thought should also be given to the high volume of postponements; handling these prior to the reporting date, if feasible, would significantly decrease the workload at enrollment and greatly increase certainty about the number of jurors expected.

(3) Overall Yield. Overall yield of the selection process (i. e., the product of qualification and summoning yields) in this court was found to be 34.2% x 56.5% = 19.3%; that is, about one in five qualification questionnaires sent out yielded a prospective juror. In the courts studied, overall yield has most commonly been in the neighborhood of 25%, or one out of four. However,

the variation among those courts is very striking -- in one large city court, the overall yield was only 3.6%; in another, as high as 34.8%. If this court had used direct summoning (without a qualifying step), it is estimated that 34% would have been eliminated by exclusion and 41% by non-response. Because the total non-response due to aging of the qualified wheel would be reduced by direct summoning, the overall yield would increase to 25%.

2.4.2 Long-Term Yield Experience

The yield summary worksheet illustrated in Figure 2-4 is a convenient form on which individual selection period yields from the computation worksheets can be recorded for a sufficient number of entries to provide a reasonable estimate of average yield for the court. The form is designed for use in recording both qualification and summoning yield factors (only the summoning portion is used by courts without a separate qualification step). Qualification data are entered only once for each individual period, which might include a number of summoning calls.

For example, the court whose data are used for illustration summoned jurors 15 times from the same qualified wheel. Yields from the qualification process and the summoning calls are entered on the summary worksheet and averaged. As indicated, average yields were 34.2% for qualification and 52.1% for summoning, producing an overall yield average of 17.8%.

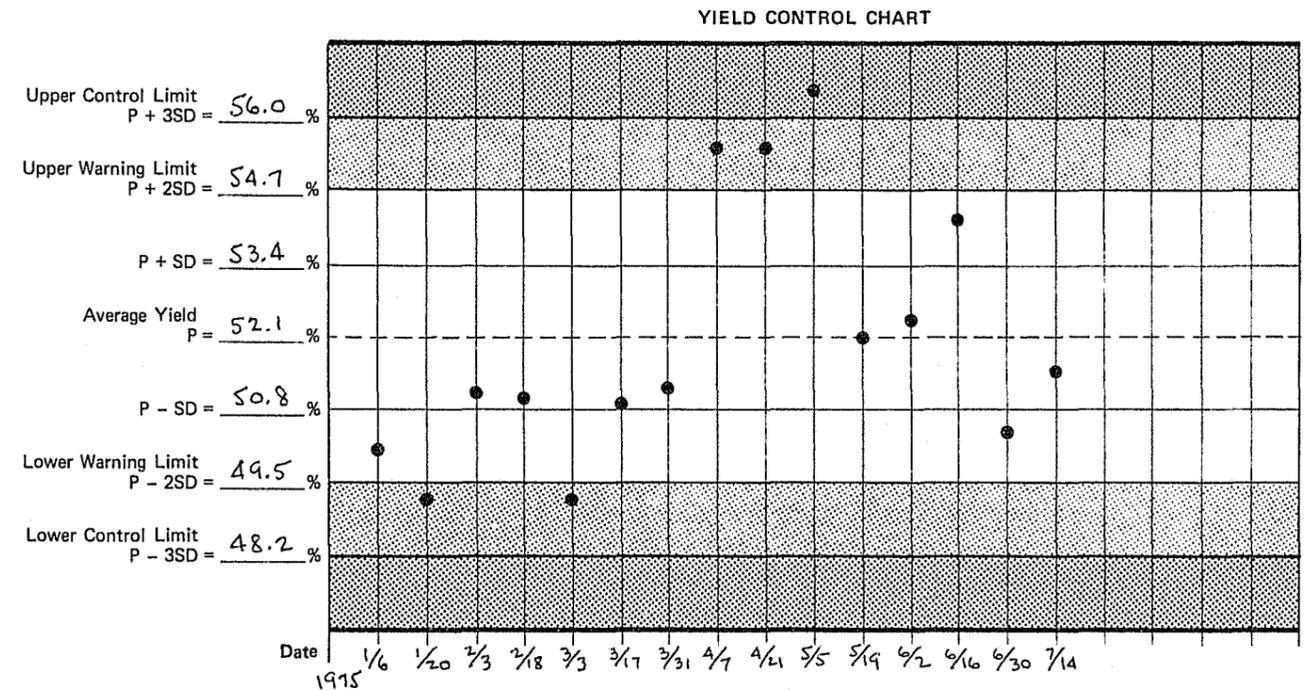
Date	Qualification			Summoning			Overall Yield
	Non-Response	Excluded	Yield	Non-Response	Excluded	Yield	
1/6/75	38.6	27.2	34.2	27.2	22.7	50.1	17.1
1/20/75			11	29.1	21.7	49.2	16.8
2/3/75			11	26.0	22.9	51.1	17.5
2/18/75			11	24.9	24.1	51.0	17.4
3/3/75			11	28.4	22.4	49.2	16.8
3/17/75			11	28.9	20.2	50.9	17.4
3/31/75			11	27.5	21.3	51.2	17.5
4/7/75			11	27.8	16.7	55.5	19.0
4/21/75			11	27.8	16.7	55.5	19.0
5/5/75			11	28.4	15.1	56.5	19.3
5/19/75			11	28.1	19.8	52.1	17.8
6/2/75			11	28.3	19.3	52.4	17.9
6/16/75			11	27.1	18.7	54.2	18.5
6/30/75			11	28.9	20.7	50.4	17.2
7/14/75			11	28.6	19.9	51.5	17.6
Average Yield			34.2			52.1	17.8

Figure 2-4. Yield Factors for an Extended Period

The "control chart" illustrated in Figure 2-5 can be used to display the data from the summary worksheets to show summoning experience over some convenient time (e.g., one year). This chart is based on the theory that a system will operate within definable limits unless some new or different stimulus is introduced. Upper and lower control and warning limits are established on the chart, based upon the calculated standard deviation which depends on the number of names summoned and the average yield. As the yield factors from successive periods are plotted on the chart, those which fall beyond these limits (upper or lower) call attention to some change in the process which should be investigated.

To illustrate, summoning yield factors from the summary worksheet are plotted on the control chart shown in Figure 2-5. Based on an average call of 1,600 names and the average yield of 52.1%, the standard deviation (SD) is found from the tabulated values on the control chart to be 1.3% which is used in defining the upper and lower control and warning limits. For example, as indicated on the chart, the upper warning limit is set at "P + 2SD", with "P" denoting average yield; therefore, in this case this limit is set at $52.1\% + 2(1.3\%) = 54.7\%$.

Examination of the chart shows that the points are well behaved and within control until two successive points are above the upper warning limit and a third is above the upper control limit. This means that the yield is higher during these successive draws than might be expected on the basis of the overall average yield. In this instance, investigation showed that the increase in yield corresponded to the vacation of the usual jury judge. During his absence, there was a sharp reduction in the exclusion rate, as shown in the data accumulated on Figure 2-4. It is apparent from these three points that management did not take any action, and the process returned to its previous position upon the return of the judge. The process was then "in control" and will presumably continue there until some other outside influence takes place to drive it up above or down below control limits. Further study could reveal the reasons for reduced exclusions, to determine if continued yields at the higher level could be achieved without undue juror hardship. Such an increase would constitute a "breakthrough" to new ground, and steps would then be taken to ensure control about this new plateau.



Instructions

1. Label midpoint of vertical axis with calculated average yield (P).
2. Determine SD from table or by using formula.
3. Label vertical axis at multiples of SD.
4. Plot data for each time period.

VALUES OF STANDARD DEVIATION (SD)*			
Number Called n	Average Yield P = 50%	Average Yield P = 40% or P = 60%	Average Yield P = 30% or P = 70%
100	5.0%	4.9%	4.6%
200	3.5%	3.5%	3.2%
400	2.5%	2.5%	2.3%
600	2.0%	2.0%	1.9%
1000	1.6%	1.6%	1.5%
1600	1.3%	1.2%	1.1%

* Based on: $SD = \sqrt{\frac{P(100-P)}{n}}$ where P = average yield
 n = number called

This formula may also be used to determine SD for more precise values of P, if desired.

Figure 2-5. Variations in Summoning Experience Revealed by Control Chart

2.4.2 Using the Yield Factor
To Improve Court Operations

Once the data recording and analysis function has provided the court with a quantitative measurement (the yield) of the effectiveness of its selection process, that information can be used in a number of ways:

- (1) Identifying Problem Areas. Table 2-4 provides data from several courts studied, showing average qualification and summoning yield factors, together with exclusion rates and non-response rates. Comparison with these data may be useful in calling attention to local problem areas not otherwise noted.
- (2) Estimating Future Needs. If either the qualification or the summoning process has been yielding far more prospective jurors than were needed, the yield factor for either process (or the overall yield) might be applied to determine a more precise number of names to be called. For example, assume a court has a summoning yield rate of no less than 50%. If it is anticipated that no more than 350 jurors will be needed, the summoning list can be limited to approximately 700 names -- possibly avoiding much unnecessary paper work and expense.
- (3) Evaluation of Alternative Methods. Courts considering the advisability of changing to a direct summoning process can evaluate the potential benefit by comparing their average yield with those shown in Table 2-4 for courts 8, 9, and 10 (which summon directly). Elimination of the qualification step could be expected to result in reduction of present "unclaimed" and "no show" rates in the summoning stage, accompanied by increased overall yield and decreased costs.

Table 2-4. Yield Experience Data From Several Courts (Percent)

Court	Qualification				Summoning					Overall Yield	Remarks
	Undeliverable	Not Returned	Excluded	Qualified Yield	Unclaimed	No Show	Excluded	Postponed	Summoning Yield		
1	27	12	27	34	22	5	3	13	57	19	High Undeliverable in Qualification and Summoning
2	13	33	42	12	8	8	8	46	30	4	Extreme Non-Return, High Postponement Level, Uses Personal Interview
3	27	7	24	42	4	2	16	16	62	26	High Undeliverable on Qualification
4	2	16	42	40	3	2	27	5	63	25	Qualification Just Prior to Summoning
5	8	15	36	41	4	4	8	4	80	33	Good Performance
6	12	26	28	34	21	6	11	13	49	17	High Undeliverable in Qualification and Summoning
7	6	20	45	29	1	2	21	47	30	8	High Level of Postponements
8	Summon Directly from Master Wheel				20	10	35	0	→	35	One Day Term of Service
9	Summon Directly from Master Wheel				18	10	50	0	→	22	Comparable Performance Without Separate Qualification Step
10	Summon Directly from Master Wheel				11	6	49	6	→	28	Comparable Performance Without Separate Qualification Step

SECTION 3
THE SERVICE PHASE

I think that jury service is a great experience and everyone should experience it. Perhaps if more people could serve, they would have a better understanding of the judicial process.

A Juror

Conditions for jurors are terrible. It's a waste of a lot of peoples' time -- too many people sitting in TV lounge doing nothing but wasting taxpayers' money, and I resent that.

Another Juror

With arrival of jurors at the courthouse, management of the jury system enters a new and more personal phase. Names once selected randomly from a list become living personalities whose reaction to jury service can have a direct impact on the court's activities. Few arriving jurors have ever seen a trial or been party to a law suit; by and large, 80% have never served on jury duty before. Their information about jury duty is limited to the material received from the court; their conceptions and misconceptions are based on novels, television, news stories, and the experience of friends.

After serving, the average juror will leave profoundly influenced by the experience. His reaction will depend on how well he is briefed about what to expect during his term of service; whether his enrollment is handled expeditiously and pleasantly; whether he is selected to serve on a jury; how much time he spends waiting in the jury room; and the attitude of court personnel.

With thoughtful preplanning to minimize paper work and to use jurors' time as productively as possible, the maximum potential of the "service" aspect can be realized.

3.1 Enrollment and Orientation

The rewards of implementing earlier suggestions with respect to the summoning process can be counted on enrollment day:

- A well-designed, perhaps computer-prepared summons form has provided the juror with a "juror information card" to submit as he checks in, eliminating the time and trouble of filling in a form with similar information after his arrival. At a more convenient later time, all the cards presented at the door may be arranged in order and checked off by one of the clerks; they may be used several times again during the jurors' term of service.
- A "juror information sheet" delivered with the summons has given him advice and information which he will be needing.
- Requests for excuse, exemption, and postponement handled by mail have reduced the arriving group of jurors to a manageable size.

With the simplified process, enrollment moves along quickly and easily. There is usually no waiting time and no check-off list. Both court personnel and jurors benefit.

Juror orientation usually consists of a welcoming lecture by a judge or court executive (from 15 to 20 minutes), distribution of a juror handbook, introduction of the jury clerk who may set the rules for the jury lounge (10 minutes), and possibly a movie. These aspects of orientation are considered together as a total information "package" in order to emphasize the overall objective of consistency, simplicity, brevity, and absence of unnecessary repetition.

- (1) Orientation Lectures. An orientation speech is usually given by a judge, court administrator, or jury clerk. Those best accepted seem to be judges' speeches which warmly welcome the jurors, explain the importance of jury duty, and describe the trial process (without trying to demonstrate legal sophistication). A good introduction indicates the uncertainties inherent in the trial process that can cause long periods of waiting. It does not repeat, but references, what is contained in the information sheet, juror handbook, or movie. An excellent, short orientation speech is included in "Jury Duty - Right and Responsibility," by The Honorable R. H. Mills.¹

¹ 12 Judges Journal 43 (1973).

- (2) Handbooks. The juror handbook, in its best form, serves as the foundation upon which the orientation address, movie, and pre-trial instructions are based. A review of handbooks from more than 20 courts revealed a great range of form and content. They varied in size from 2 to 38 pages. Better ones described conduct expected of the juror, the judge's function, and voir dire and trial procedures. They also explained the mechanics of jury service and why some jurors might have to wait before selection. Among the best was the 14-page Handbook for Jurors in Civil Cases used by the Court of Common Pleas in Philadelphia.²
- (3) Movies. The purpose of the movie is to generally prepare the juror for what he will encounter. To be effective, the movie must be shown in an area where it can be clearly seen and heard and must maintain the dignity of the occasion. Two movies are presently available, both dealing with the voir dire and trial process:
- The True and the Just (an older film),³ which uses a property damage case as an example and contains a brief statement about waiting time.
 - How Do You Find? (more recent),⁴ which uses a criminal case as an example. This film is more legalistic than the other.

² Copies available from: Court of Common Pleas, Office of Court Administrator, Room 370, City Hall, Philadelphia, PA 19107.

³ A 30-minute, 16mm, black and white film (approx. \$100), available from: A. A. Schechter Assoc., Inc., 633 Third Avenue, New York, N. Y. 10017 (phone 212 - 687-1150).

⁴ A 30-minute, 16mm, color film (approx. \$390), available from: SRS Productions, Inc., 4224 Ellenita Avenue, Tarzana, CA 91356 (phone 213 - 873-3171).

3.2 Juror Utilization

In A Guide to Juror Usage,⁵ published earlier, guidelines for improved juror utilization were presented in considerable detail. Practices observed in courts with high utilization of juror time were summarized in seven general rules for good juror usage:

- (1) Adapt panel size to jurors needed.
- (2) Do not call panels prematurely or unnecessarily.
- (3) Make special arrangements for exceptionally large panels.
- (4) Stagger trial starts.
- (5) Maintain continuous operation over the week.
- (6) Do not overcall jurors to the pool.
- (7) Dismiss and excuse jurors whenever possible.

The guide included forms for use in gathering data necessary to analyze and assess compliance with the rules; analytical procedures were illustrated; and remedial actions, if needed, were suggested. Basic concepts from that document are referenced in the following paragraphs, and supplemental guidelines based on more recent studies are presented.

3.2.1 Jury Pool Operation

After enrollment, the "pool" of jurors is available for service. The pool concept is adopted primarily to share jurors among courts or judges and therefore is usually an established part of the jury management system in large courts, with all jurors (the pool) assembled in the lounge until selected jurors are sent to a voir dire. In

⁵ U. S. Department of Justice, Law Enforcement Assistance Administration, Washington, D. C. 1974. Copies available from: Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 (#4000-00328, \$1.40).

intermediate-sized courts, a pool may be used on days when trials are anticipated, the number in attendance controlled by some method such as a telephone call-in. A pool is seldom used in small courts; instead jurors are called to the courthouse only on days of voir dire activity. Thereafter those selected for trials report for duty and the others remain on call until the next voir dire day. If a multi-judge court does not use a jury pool, a separate jury panel or venire may be assigned to each judge intending to hold jury trials; disadvantages of this practice are that usually more jurors than necessary are called in order to have a safety margin for each judge, and the same jurors tend to serve on successive trials together.

When a pool is used and a judge calls a case for trial, a panel of jurors is sent from the pool to the courtroom. Challenged jurors and those not reached on the panel list during the voir dire return to the lounge or are dismissed; selected jurors (and perhaps a few alternates) serve through the trial. After trial, the jurors return to the lounge to await their next assignment or are dismissed for the day or for the rest of the term. These steps in the jury pool operation are illustrated in Figure 3-1, adapted from A Guide to Juror Usage.

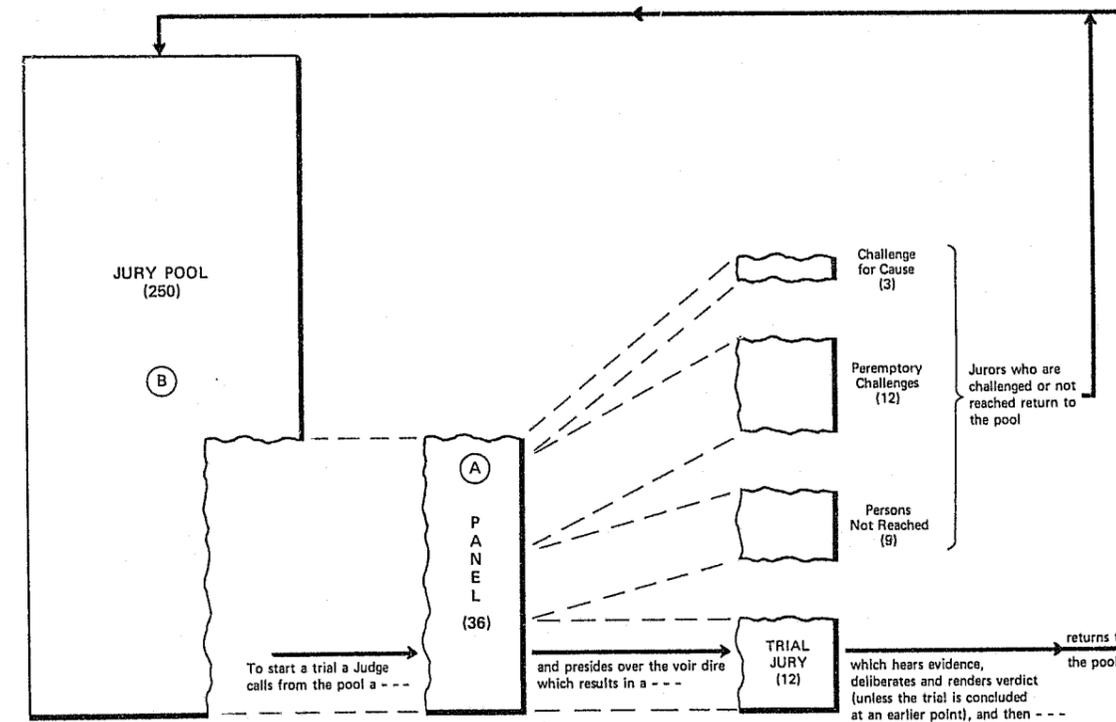


Figure 3-1. Jury Pool Operation (Typical Numbers)

Problems arise in managing a pool. If all the judges are somehow obliged to start trials at the same time, the pool must be large enough to prevent more than minimal waiting time by a judge. It must also be of sufficient size to cover the large panels sometimes required in special situations. Without strong guidelines, the tendency is to assemble enough jurors to cover all possible demands, without considering the amount of unnecessary juror waiting time that may result.

These and other problems can be alleviated by monitoring the movement of jurors at two points (A and B) shown on Figure 3-1. The forms to gather necessary data and analysis techniques are given in Section 4 of A Guide to Juror Usage. At Point A, the number of persons on each panel "not reached" during the voir dire will determine the optimum panel size needed (Rule 1, above); and the total size of the panels and the times associated with voir dire events will influence the daily peak demand for jurors (Rules 2 and 3). At Point B, monitoring the total size of the pool will permit determination of a proper pool size and its operating characteristics (Rules 4 through 7).

In the hope of saving jury fees and eliminating juror waiting time, some courts have adopted a practice under which "standby" jurors are allowed voluntarily to return home or to their offices instead of waiting at the courthouse -- provided they can appear quickly when called. Many courts report substantial savings from this practice and favorable reaction among those on standby. Some courts, however, have discontinued the practice either because jurors fail to respond within the time allowed or because of the difficulty of reaching an adequate number promptly.

The most serious problem with many standby jury procedures stems from the natural inclination of jury clerks to send those remaining in the courthouse to panel calls, using those on standby only when absolutely necessary. There is also a tendency to summon as many regular jurors as before and to disregard the standbys. Furthermore, since volunteering for standby status by those who live or work nearby represents a form of self-selection, the random selection process is disrupted and a poorer cross section results. Some courts include the names of standbys in random panel selection, but this does not altogether relieve the problem because of the difficulty of reaching them quickly. Problems are minimized if the random order for panel selection is set in advance and maintained. This provides ample time for the jury clerk to inform standbys as their turn approaches.

3.2.2 Randomization in Jury Service

Methods of randomization to select jurors representing a cross section of the population are discussed in detail in paragraph 2.1.2. In some courts, randomization is used in every part of the operation. Jurors are selected at random from the qualified wheel. When a panel is called in the jury lounge, a wheel is again turned. Those selected go to the courtroom, where six or twelve individuals selected randomly from a wheel sit in the jury box. When jurors return from a panel or trial, their names are replaced in the jury room wheel, ready for the next random selection.

The effect of this repeated randomization is that some jurors serve more frequently than others. For example, assume that five independent successive panels of 20 each are selected from a venire of 100, with the first 20 selected on panel 1, the next 20 on panel 2, etc. These five panels will include all 100 prospective jurors, with each selected to only one panel. But if random selection is made each time a panel is called, then on the average 2 jurors will be called in four panels; 6, in three panels; 18, in two panels; 37, in only one panel; and 37 will not be called at all -- that is, 63 jurors will take part in panels, with 37 left waiting in the jury lounge.

A simple way to overcome this limitation is a method followed in many jury lounges. Using the same example, a random order is assigned to the 100 jurors at the start. The first panel uses numbers 1 through 20; the second, numbers 21 through 40; and so on. All are used at least once before anyone gets a second chance. If more or less than 20 are needed, the random order is maintained and the number required for each panel is chosen off the top of the list. Those returning from panels are placed on the bottom of the list in a new randomized order. Continuing the original random order serves the purpose of cross section but tends to keep groups of people together in successive panels and juries, which is not particularly desirable.

As suggested by this discussion, repeated randomization tends to defeat the goals of using each juror as evenly as practicable and of getting as wide a cross section as possible. These goals can be satisfied by complete randomization, done only once and as soon as possible in the selection stage, thus providing a random order that can be maintained throughout the service phase. This is especially important in courts with short jury terms during which jurors might expect to serve on only a few trials.

3.2.3 Juror Usage Problems in Small Courts

In small courts, special problems in good juror usage arise from last minute settlements and plea changes. When these happen, there is no trial activity and jurors who have been called in must be sent home. In one small court, jurors stated they were sent home without any trial activity on at least half of the days they reported for service. The result is the unnecessary expenditure of jury fees for disgruntled jurors. Following are some of the ways in which many small courts have reduced this problem:

- (1) In courts with several judges, several trials can be scheduled to start on a given day. When the first jury has been selected, the remainder of the panel from the first voir dire constitutes the panel for the second trial, and so on.
- (2) In courts with a few judges (or only one), the multiple voir dire method of choosing jurors can be used. Under this practice, which is standard in many courts, juries for several cases are selected in advance on a specific day; each jury then returns on the day of the trial for which it was selected.
- (3) A telephone answering device may be provided on which the jury clerk records juror instructions for the following day. A juror is required to call in each evening to ascertain if he is to report. This places the responsibility on the juror and relieves the clerk of the task of trying to reach all jurors, often unsuccessfully, when information concerning the next reporting day is changed. The cost of these devices is quickly recovered by savings in jury fees. Courts report consistently successful experience with the use of these devices, the only problem being when one outside telephone line is used for more than 100 jurors.

3.2.4 Measuring Juror Usage

Several methods for measuring juror utilization efficiency are described and compared in the following paragraphs. The actual values calculated by the different formulas presented mean little by themselves, but each formula produces an index by which the court can monitor its juror usage pattern and detect changes which may require attention.

- (1) Juror Usage Index (JUI). This index, described in Section 4.3 of A Guide to Juror Usage, is calculated as follows:

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

The JUI has several shortcomings. Although the number of juror days served is known in all courts (it is the basis for payment of juror fees), the number of trial days is more complicated to determine and requires records of activity by the judge or courtroom. It is also biased by the length of jury trials -- long trials result in lower JUI.

- (2) Juror Days Per Trial (JDPT). This is found by:

$$\text{JDPT} = \frac{\text{Number of Juror Days Served}}{\text{Number of Trials}}$$

The JDPT is very easy to calculate since both numbers needed are known in all courts. Long trials result in higher JDPT.

- (3) People Brought In (PBI). Based on the number of jurors needed to start trials, this index is calculated as follows:

$$\text{PBI} = \frac{\text{Number of Juror Days Served, Less Juror Days on Continuing Voir Dires or Trials}}{\text{Number of Trials}}$$

These numbers are known or easily determined. In courts which use a jury pool, the numerator is the number of prospective jurors in the pool at the start of the day, summed over the period of interest. The PBI does not include jurors serving on continuing trials, so it is virtually independent of trial length.

- (4) Percent of Time Not Used.⁶ This is calculated by:

$$\% \text{ Not Used} = \frac{\text{Juror Time Not in Trial or Voir Dire}}{\text{Juror Time Spent in Courthouse}} \times 100$$

⁶ Another measure, the Juror Usage Factor (JUF) used in the Suffolk County (Massachusetts) courts, is the percentage of juror time actually used in trials; the calculation requires computer assistance.

This index represents the percent of time in the courthouse which the average juror spends in non-court activities (not in voir dire or trial). It is difficult to keep the data necessary to calculate this number, and the analysis would probably require the use of a computer.

The following examples illustrate the first three methods. Assume 52 prospective jurors are called in and on that day two judges pick one jury each. On the second day, only the 24 selected jurors report and both trials conclude that day. For this two-day period:

$$\text{JUI} = \frac{52 + 24}{2 + 2} = 19$$

$$\text{JDPT} = \frac{52 + 24}{2} = 38$$

$$\text{PBI} = \frac{52}{2} = 26$$

If one of the trials had continued into the third day, the calculations would be:

$$\text{JUI} = \frac{52 + 24 + 12}{2 + 2 + 1} = \frac{88}{5} = 17.6 \text{ (decreased)}$$

$$\text{JDPT} = \frac{52 + 24 + 12}{2} = \frac{88}{2} = 44 \text{ (increased)}$$

$$\text{PBI} = \frac{52}{2} = 26 \text{ (unchanged)}$$

In deciding which of the indexes to use, consideration should be given to their relative merits. Both the JUI and the JDPT are biased by length of trials; the PBI is not. The percent of time not used is extremely difficult to calculate and would not be practicable in most courts, particularly since the other more easily derived indexes are available. However, it does provide the best measure of juror utilization, given that panels are not excessive (Rule 1, above). Therefore, the choice among the other three should be based on their relationship to the percent of time not used as well as their ease of calculation.

To show the relationship of JUI, JDPT, and PBI to percent of time not used, indexes calculated by all four methods are plotted in Figure 3-2, using data from six 2-week jury terms in one court. As indicated, PBI (the most easily calculated) follows closely the trend of percent of time not used; JUI and JDPT do not. It is believed that courts will find PBI the best and the easiest measure to use.

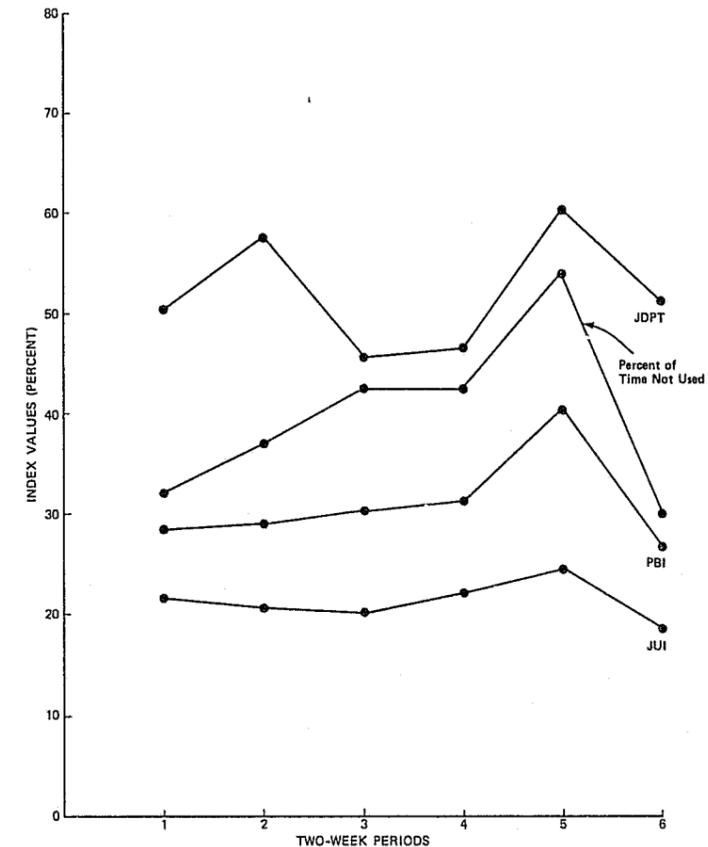


Figure 3-2. Comparison of Index Trends

Although an index of juror utilization is expected to reflect management efficiency, it is also affected by other influences not attributable to management. Growth in the number of six-member juries would tend to decrease the index, as would anything which shortens voir dires or trials. It would be increased by a heavier criminal case load, a larger number of capital cases, or a larger number of highly publicized trials. Thus, the measure of juror utilization provided by an index is most useful when court system characteristics remain about the same.

The influence of court system characteristics also impairs the use of the index in making comparisons among courts, especially if they have different case characteristics such as different average trial lengths, voir dire practices, and ratios of civil to criminal cases. The numerical examples cited above show that the JUI and the JDPT are influenced by the length of trial (the longer the trial, the lower the JUI and the higher the JDPT), making these two measures less valid for inter-court comparisons of administrative efficiency since length of trial is not directly responsive to jury system management. The PBI, which is independent of trial length, is a much better measure for comparing juror usage efficiency among courts. It reflects those activities over which the administrator of the jury system has some control -- that is, the efficiency with which those jurors not already assigned to trials are utilized.

Whichever index is used, it should be computed at least once a month, and perhaps as frequently as once a week in large courts. The periodic calculations should be recorded and plotted on a control chart (similar to that described in Section 2), to visually show trends and developments. Lower indexes demonstrate better juror usage, and a court would wish to see its index remaining constant at a level of good juror usage or going down to reflect improvements.

3.3 Selection for a Trial

The courtroom is the place where jurors actually see and experience the legal process -- the oath, specific jury instructions, juror rules of conduct, and trial process. Since all these aspects of jury service vary from court to court (and from case to case), they might be briefly mentioned in the orientation address or juror handbook; but they are best covered in depth in the judge's courtroom instructions. One noteworthy advance in this area is a recently prepared volume used by District Judges in New Mexico, which describes jury instructions to be used throughout the trial. Its coverage includes the opening statement to the panel, the conduct of the voir dire, and an explanatory instruction when something new to the jury occurs (e. g., a conference at the bench).⁷

⁷Uniform Jury Instructions, Criminal, New Mexico, available from: Institute of Public Law and Service of the School of Law, University of New Mexico, Albuquerque, New Mexico 87103.

3.3.1 Panel Lists

The panel list is a valuable source of information for the judge and attorneys as they select a jury during the voir dire. If it lacks facts considered important, the judge or counsel must determine them by questioning. In some courts, the list provides only the juror's name, age, and occupation; others give as many as 15 items, including extensive information on the juror and his spouse. Panel lists from the many courts studied included some 25 different items of information; only name and occupation were common to all. There are two basic types of panel lists:

- (1) A list of all persons in the venire (either those receiving a summons or those reporting for service). When the name of a prospective juror is drawn from the wheel in the courtroom, the attorneys scan the total listing to obtain information about him. The court prepares a list of the selected jurors for the court record. With this method, in large courts a great many pages must be repeatedly referenced; and the names and information about the entire venire are readily available -- a fact that many courts and jurors disapprove of.
- (2) A list of only those sent to a courtroom for voir dire. In many courts, a panel list is typed in the jury lounge after selection and is sent with the ballots to the courtroom. As the ballots are drawn, the list is referenced. At completion of voir dire, a copy of the list is annotated and becomes the jury list. Another copy can be returned to the jury clerk indicating those challenged and those not reached (vital juror utilization data). With this type of system, only information on the list is available to the judge or attorneys unless a venire list containing more complete information on all jurors is also provided.

In some jurisdictions, additional information on jurors is also available from private organizations who investigate prospective jurors and report on jury voting records. Information on a person's jury voting experience is often maintained by the prosecutors and also by the defense bar, or cooperatively by both. Some courts have evinced their displeasure with these procedures by making the venire lists confidential, or by reducing the jurors' term of service. Short jury terms make it virtually impossible to establish track records on individual jurors.

Methods of preparing the panel list vary widely. It may be typed, computer printed, handwritten, photocopied, printed, or composed of cards or ballots representing the jurors. Whatever the method, in most courts little thought has been given to whether it could be more efficient; few clerks can recall any change in practices presently used. Yet the form of the panel list affects the amount of work done in the jury assembly room and the time it takes to organize a panel after one is called for. In the courts studied, the most efficient method of preparing the panel list appeared to be photocopying juror information cards or ballots for individuals making up a panel. Following is a description of how this method works in three of the courts:

- In Harris County District Court (Houston, Texas), jurors give their summons information card to the jury clerk on arrival. The cards are sorted into the original computer-generated random order, from which the clerk calls trial jurors sequentially. The cards for those selected are arranged six to a sheet and photocopied to make a panel list, with copies for the attorneys, judge, clerk, and jury clerk. In the courtroom, prospective jurors are seated for the voir dire in the same random order by which they were chosen from the voter list. No typing or rewriting of juror names is required; the jury clerk's attention may be devoted to handling some 800 different jurors each day.
- A variation of this practice is found in the U. S. District Court for the Southern District of Texas (Houston). Cards prepared for reporting jurors are arranged about ten to a page, overlapping to obscure private information such as phone numbers and excuse history of the jurors, and then copied as in the Harris County system. The original cards are retained by the jury clerk, who uses the back of the card for an attendance record. Figure 3-3 illustrates this method of quickly preparing a panel list.
- In Wyandotte County, Kansas, a small card is typed for each member of the venire and placed in a magnetized, clear plastic holder. The card gives the name, address, occupation, and age. To generate the panel list, the cards for the names chosen are arranged on a metallic-backed blank and photocopied. The same cards are used with another blank to generate the payroll list. They are also used to keep track of the juror. A large metal sheet is divided into areas representing the courtrooms, juror pool, and jurors' home; the cards are positioned on the board to indicate at a glance the location of a juror and his availability.

NAME LELAND BECKENDORFF	Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	12
ADDRESS Rt. 1, BOX 325 NORTON RD. Katy, Texas 77450	SPOUSE'S NAME DORA Beckendorff	
OCCUPATION Commercial Cattle work & Hauling	SPOUSE'S OCCUPATION Housewife	
EMPLOYER'S NAME Self employed	SPOUSE'S EMPLOYER	
BUSINESS ADDRESS Rt. 1, Katy, Texas 77450	SPOUSE'S BUSINESS ADDRESS	
MAR 3 874 P3/159610 306076.00	RECORD OF EXCUSES	MEMORANDUM
HOME PHONE 371-2237	Excused March 17-20	
WORK PHONE		
OTHER PHONE		
SPOUSE'S HOME PHONE		

JURY LIST

NO. CR 73-H-373 STYLE U. S. vs. ROBERT GARLAND DOBBS

Before Judge CARL O. RUIZ, JR. on March 3, 1975 at 9:45 A.M.

NAME LELAND BECKENDORFF	Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	12
ADDRESS Rt. 1, BOX 325 NORTON RD. Katy, Texas 77450	SPOUSE'S NAME DORA Beckendorff	
OCCUPATION Commercial Cattle work & Hauling	SPOUSE'S OCCUPATION Housewife	
EMPLOYER'S NAME Self employed	SPOUSE'S EMPLOYER	
NAME LOIS AYO	Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input checked="" type="checkbox"/>	7
ADDRESS 50 Tidwell #9 Houston, Texas 77022	SPOUSE'S NAME	
OCCUPATION Clerk	SPOUSE'S OCCUPATION	
EMPLOYER'S NAME Gulf Oil Company	SPOUSE'S EMPLOYER	
NAME JAMES H. ALTON	Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	4
ADDRESS 7506 Oak Village Humble, Texas 77338	SPOUSE'S NAME Betty Alton	
OCCUPATION Manager-Life & Group Benefits Claims & Service	SPOUSE'S OCCUPATION Nurse Aide	
EMPLOYER'S NAME Life Ins. Co. of N. America	SPOUSE'S EMPLOYER Green Acres Convalescent Home	
NAME MR. WILMA C. BRIGHT	Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	22
ADDRESS 11319 Glaser Houston, Texas 77022	SPOUSE'S NAME Benjamin J. Bright	
OCCUPATION Asst. General Office Manager	SPOUSE'S OCCUPATION Cement Finisher Foreman	
EMPLOYER'S NAME The Woman's Shop	SPOUSE'S EMPLOYER Local 681 Cement Masons	
NAME DAVID CANALES	Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	36
ADDRESS 108 NORTON Eastwood Houston, Texas 77011	SPOUSE'S NAME Hortencia Canales	
OCCUPATION Inspector	SPOUSE'S OCCUPATION Housewife	
EMPLOYER'S NAME Reed Tool Co.	SPOUSE'S EMPLOYER	
NAME BONNIE BROOKS BURNETT	Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input checked="" type="checkbox"/>	33
ADDRESS 4706 Greenbriar Houston, Texas 77005	SPOUSE'S NAME	
OCCUPATION Systems Analyst	SPOUSE'S OCCUPATION	
EMPLOYER'S NAME Texas Inst. for Rehab. & Research	SPOUSE'S EMPLOYER	
NAME GLENN RAYMOND ACORD	Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	2
ADDRESS 1430 Winterwood Houston, Texas 77043	SPOUSE'S NAME Enold LeBouef Acord	
OCCUPATION Salesman	SPOUSE'S OCCUPATION Manager - Credit Union	
EMPLOYER'S NAME Sears Roebuck & Co.	SPOUSE'S EMPLOYER Medical Arts Hospital	

PAGE 1

Figure 3-3. A Quickly Prepared Panel List

3.3.2 Voir Dire Methods and Duration

The ways in which the voir dire is conducted are as varied as the number of judges who hold trials. However, the many variations generally fall into four categories -- federal, state, New York, and Delaware methods of voir dire. Characteristics of these methods are summarized in Table 3-1 and discussed in the paragraphs which follow.

- (1) Federal Method. Under the federal voir dire method (also used in many state courts), only the judge queries the panel. Questions to which the attorneys wish answers are submitted in advance to the judge and to opposing counsel. Counsel and the judge discuss them prior to voir dire, and the judge rules on which questions he will ask as well as their form. This method is believed to reduce voir dire time by eliminating unnecessary questions and objections in the panel's presence.

In one variation of the federal method, a list of questions to be asked is prepared in advance by the judge. Attorneys may submit questions for inclusion on the list, subject to the judge's approval. Prior to the voir dire, attorneys simply check which questions on the judge's list they want him to ask. Judges find that if enough choices are presented, attorneys seldom ask for more.

- (2) State Method. With this method, jurors are questioned by counsel in the presence of a judge, who generally precedes the questioning by a brief statement of the case and a few basic questions of his own. Attorneys have great latitude and may extend the questioning quite widely, with the judge exercising control when needed.
- (3) New York Method. This method does not require the presence of a judge and all questioning is done by counsel. A clerk of the court may preside, with a judge available to resolve problems which occur. The New York voir dire may be longer than those conducted under the state method. Its advantage is that it does not require judges' time.
- (4) Delaware Method. Under the Delaware method, one judge conducts all voir dire for a given day, using either the state or federal method. When a jury is selected, it reports with the parties to the case to another judge at another courtroom.

Table 3-1. Comparison of Voir Dire Methods

METHOD	PROCEDURE	ADVANTAGE	DISADVANTAGE
Federal	All questions asked by judge; attorney questions, if allowed, also included.	Potentially most rapid.	Attorneys want participation.
State	Judge opens with basic questions; attorneys ask questions under supervision of judge.	Attorney participation.	Can be lengthy.
New York	No judge present; attorneys question venire; controversy settled by judge if necessary.	Judge not required; time available for other matters.	Lack of supervision, number of prospective jurors and length of voir dire can be extreme.
Delaware	Single judge selects juries for other judges.	Can be rapid.	Judge hearing case does not conduct voir dire.

Descriptive analyses of voir dire methods abound, but only one quantitative study of voir dire time differences is known.⁸ In that study, which compared the federal and state voir dire methods, 20 judges in a large court varied the methods in trying different cases. Only seven of the judges held as many as three trials under each method; their voir dire times are compared in Table 3-2. As shown, the overall average time for state method voir dire was greater than for federal method voir dire. However, among the judges there was wide variation of time used under both methods, with judges G and P doing better under the state method. The data indicate that differences among judges were at least as important as differences in methods.

⁸ Levit, et al., "Expediting Voir Dire: An Empirical Study," 44 S. Cal. L. Rev. 916 (1975).

Table 3-2. Average Voir Dire Times for Several Judges in One Court

Judge	Federal Voir Dire Method		State Voir Dire Method	
	Number of Voir Dires	Average Time (minutes)	Number of Voir Dires	Average Time (minutes)
E	5	62	4	139
G	5	52	6	41
I	3	33	3	35
J	3	70	4	92
L	7	44	3	66
N	6	45	5	58
P	6	62	4*	45
Average	35	52.6	29	68.0

* Excluding one extreme time of 225 minutes.

Voir dire times were also found to vary among the state courts studied during preparation of A Guide to Juror Usage. Average voir dire times and trial times in six courts are compared in Table 3-3, showing an eight-fold variation in average voir dire times among the courts in sharp contrast to the quite uniform trial times. Voir dire methods used probably account for some of the differences; the two courts using the federal method reported shorter times than the others, reinforcing the findings of the Levit study cited above. Again, differences among judges are indicated, for three judges in Court #3 averaged 55 minutes or less and the other five averaged over 100 minutes. The culture of a court may also be an influence, for in Court #1 all nine judges had equally speedy voir dires.

Table 3-3. Average Voir Dire and Trial Times for Criminal Cases in Several Courts

Court	Method	Average Voir Dire Time (minutes)	Average Trial Time (hours)
1	Federal	20	9
2	Federal	73	11
3	State	86	9
4	State	96	9
5	State	108	10
6	State	171	10

These observed variations in voir dire times -- among methods, among judges, among courts -- suggest that no way to expedite voir dire has been found in present practices. Since voir dire time is an important factor in jury usage, a continuing assessment of voir dire times and practices should be of special concern to jury management.

3.3.3 Challenges

Challenge procedures, which vary from court to court, have a strong effect on the ability of a court to utilize the jurors' time. Following are some variations in these procedures:

- (1) Challenge for Cause -- usually exercised in one of two ways:
 - The entire panel is examined together. All who respond affirmatively to a question give their reasons individually and may confer privately at the bench. With large panels, this method can take a long time.
 - A portion of the panel (e.g., the jury size plus the allowed number of peremptory challenges) is examined together. Each challenged or excused juror is replaced from the rest of the panel. With few challenges, this method is quite rapid. Even with many challenges and regardless of panel size, it is never slower than examination of the entire panel.

- (2) Peremptory Challenge -- usually exercised in one of four ways:
 - The entire panel is subject to challenge, each side alternately striking a name until only the jury size or jury size plus alternates remains (often referred to as a "struck jury").
 - The entire panel is subject to challenge, each side independently striking a given number. The first six or twelve acceptable to both sides, taken in order from the list, become the jury; the next acceptable, in order, are the alternates.
 - The jury size plus the allowed number of peremptory challenges is selected from the panel and challenged. The first six or twelve acceptable to both sides constitute the jury; the next acceptable are alternates. This method is most rapid of all and is appealing from the viewpoint of efficiency since it involves less movement of jurors within the courtroom.
 - The jury size only is selected from the panel and challenged. A replacement is called to take the place of each challenged juror. This is satisfactory if few peremptories are used, but is usually quite slow and involves much juror movement around the courtroom. With this method, it is also difficult to conceal from jurors which side exercises the challenges.

Some aspects of the challenging process have created juror criticism and apprehension. Jurors particularly do not like: the idea of being unacceptable (i. e., challenged peremptorily and publicly); waiting, when the activity (or lack of activity) seems uncontrolled; repetitious questions; personal questions to which they must respond openly; having their addresses and living situations made known to the defendant in a criminal case and to observers in the courtroom. To improve juror reactions, the following guidelines are suggested:

- Restrict examination for cause to the minimum number of prospective jurors that will provide a jury, in order to reduce the necessity of repeating questions.
- Conduct the voir dire to give the appearance of selecting the jury from the panel instead of striking down members of the panel to arrive at the jury.
- Keep physical movement of jurors to a minimum during voir dire.
- Provide sufficient data to the attorneys to keep personal questions to a minimum.
- Give prospective jurors the opportunity for answering sensitive questions privately at the bench.

3.4 Exit Interviews and Questionnaires

In some courts, a judge meets with the jurors at the end of their term to thank them for their service and to answer any questions they may have. He may present certificates of service and appreciation. In one court, the departing jurors get a back-room tour showing the clerk's operation, judges' chambers, and detention facilities. Jurors respond well to these meetings; and their questions provide useful feedback to the judge and jury clerks, revealing areas that need more explanation in future juror orientation.

Departing jurors are asked in some courts to fill out an exit questionnaire similar to that shown in Figure 3-4, which allows them to rate various factors and make specific comments relating to their jury service. The questionnaire is less direct than the interview; however, it tends to elicit responses which might not be freely given in person. Summary and analysis of the juror responses for a period of time, illustrated in the figure, provides a convenient monitoring and reporting mechanism for the court. A blank form is included in Appendix B.

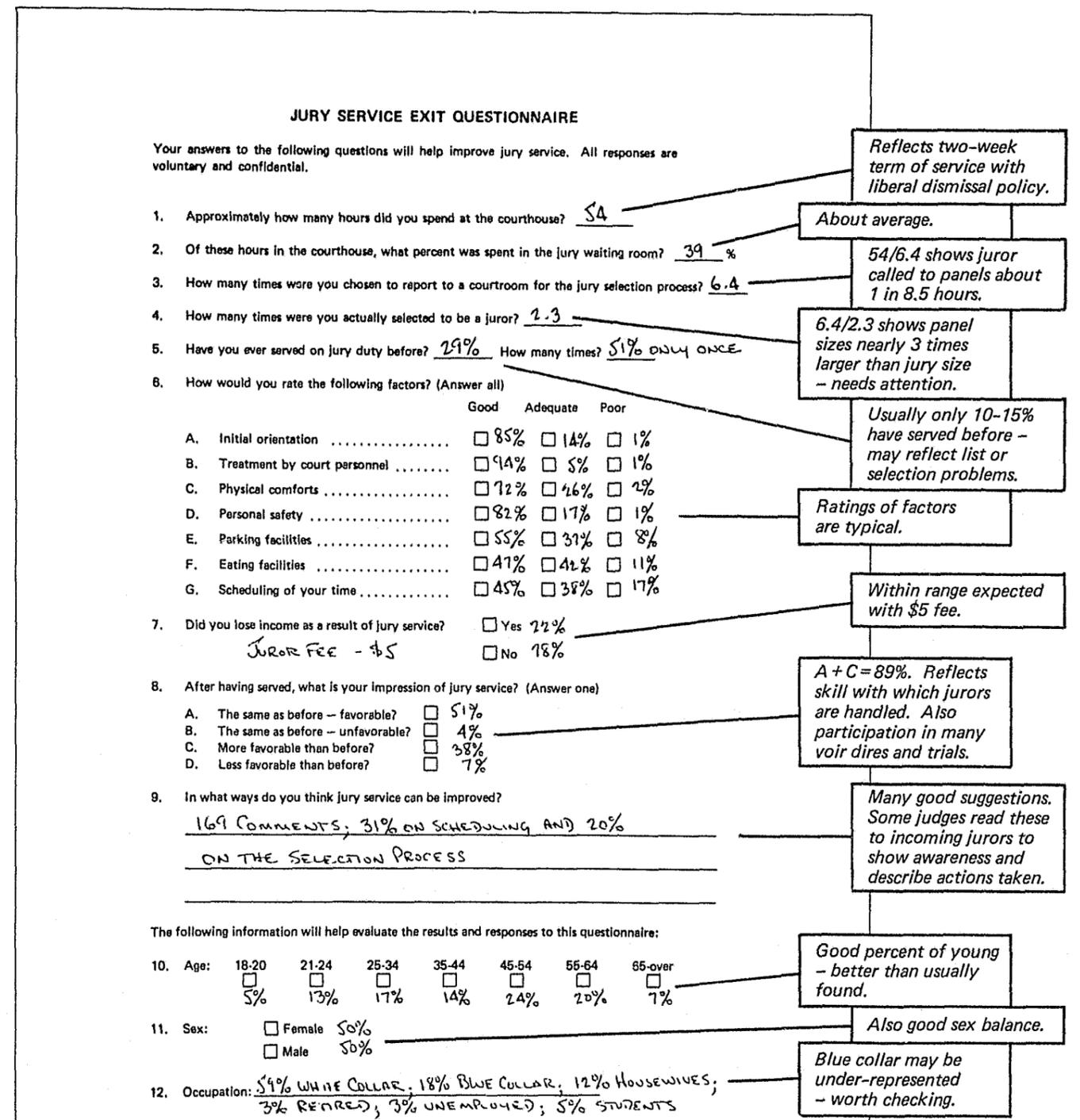


Figure 3-4. Analysis of Juror Responses to 329 Exit Questionnaires (June 1975 in a Large City Court)

Juror responses to questionnaires furnish the court with some extremely useful quantitative data, which have been found to closely agree with results of more difficult data collection methods. For example, hours spent at the courthouse, percent of that time spent in the jury waiting room, number of times selected for voir dire and trial -- all give a quick estimate of the juror usage pattern in a court.

On the qualitative side, juror ratings of facilities and treatment by court personnel call attention to areas which need improvement. These ratings, together with juror impressions of jury service, are important indicators of attitudes which departing jurors will express publicly and which might be expected to influence the rate of non-response to qualification questionnaires and summonses. Some actual juror comments from one court are quoted in Figure 3-5.

- *Initial training should be expanded to include terminology and "modus operandi" of circuit court.*
- *Make sure that every juror serves on a case. Some jurors didn't get on any cases, other jurors served on a case every day.*
- *Develop a broader list from which to draw prospective jurors as not all people vote.*
- *Less waste of time. Somehow maybe we would call in each day to see if we are needed.*
- *My thanks to Mrs. xxxxx and staff for being very helpful, efficient and courteous. They helped to make serving on the jury panel very enjoyable.*
- *A lounge large enough to seat all jurors.*
- *Court and attorneys should be better prepared; there should be less time of the lawyers at the bench.*
- *I believe that a mixture of experienced jurors and new jurors would serve a useful purpose. I know that the more experienced we got the more we were able to be objective and considerate of all parties concerned.*
- *Would some local group be willing to offer a babysitting service for 75¢/hour? Many women would be able to serve with fewer problems.*
- *If jury lounge were made more comfortable, the experience would have been much more favorable.*
- *Giving jurors a chance to pick weeks that they could serve rather than assigning days.*

Figure 3-5. Selected Exit Questionnaire Comments From One Jurisdiction

SECTION 4 PLANNING AND OPERATION

The selection of jurors and their utilization must be thought of and managed as a unit. The two processes are heavily interdependent and both involve considerations of policy as well as matters of day-to-day administration. . . . Effective management requires that these procedures be integrated in the context of efficient administration.

ABA Commission on Standards
of Judicial Administration,
Management of the Jury System

Each of the guidelines for juror selection and usage may suggest desirable actions for some courts. They will all be enhanced when coordinated by a comprehensive jury system plan. The plan should harmonize the needs of the judges, the capability of the supporting staffs, and the welfare of the jurors themselves. It must describe responsibilities of bench and staff, the specific paper work formats used, the reports prepared, and the manner of ascribing costs to jury system operation. Just as careful preproduction planning is evidenced in high quality products, so careful jury system planning can result in jury systems that will be a pride to the courts and a pleasure to the citizens that serve them.

4.1 Jury System Planning

The elements of jury system planning are not altogether new. Under the provisions of the Jury Selection and Service Act of 1968, United States District Courts are required to adopt a formal written plan for jury selection, including the following elements: management of jury selection, description of source list, detailed provisions for selecting names, minimum number of names to be placed on the master wheel, excuse policy, policy on disclosure of jurors' names, and procedures for assigning jurors to panels. Although state courts are not directly bound by this Act, they are becoming increasingly aware of the need to examine their jury systems and any plans now in effect for managing those systems. Few state courts have formalized plans -- operation of the jury system is "as it has always been."

Figure 4-1 presents a suggested outline for a formal written jury system plan encompassing the essential elements which should be defined by a court in order to provide the necessary authority and information to court personnel for an orderly and integrated system. Sections of this guide applicable to each topic in the outline are referenced in the figure. A somewhat brief example plan following the outline is provided in Appendix A, primarily to suggest types of information which should be included.

Following are several examples of situations which might have been avoided with a plan which provided guidelines for court personnel. In one instance, a Chief Judge temporarily transferred more judges to hear felonies. Because of the need for larger panels in these cases, those judges required more jurors than usual. Those making decisions on how many jurors to call in were not advised of this unexpectedly increased demand, and the jury pool was depleted before the situation was apparent. Judges had to wait until more jurors were summoned. In time, the court returned to its normal operation, but again without notifying anyone of the reduced need for jurors. The result was an oversupply of jurors in the pool.

In another court, written guidelines might have prevented the calling in of several hundred jurors to the pool on the days before Christmas and New Years when no trials were scheduled. A plan might also have avoided a shortfall of jurors owing to the reduction in yield when the new sheriff in another court decided to deliver the summons in person instead of by mail as had been the custom.

4.2 Jury System Responsibility

From generation of the source list to final payment of jurors, jury system activities have traditionally been spread among judges, jury commissioners, clerks, court administrators, and sheriffs. In theory, the presiding judge has usually headed these activities, at the same time being responsible for other aspects of court administration as well as the duties of the bench. As courts have adopted modern management systems, one progressive step has been to concentrate responsibility and authority for the many interrelated functions with a jury system manager, responsible to the presiding judge and charged with carrying out all facets of the jury operations.

Jury System Plan Sections and Topics	Applicable Sections of This Guide and Comments
1. Applicable Statutes and Authority	May include statement of policy and purpose
2. Randomization Procedures In Selection In Panel Assignment	2.1.2 3.2.2
3. Selection Process Source List(s) and Master List Disqualifications Exclusions Qualifying and Summoning Specification of Forms Delivery Method and Follow-Up	2.1 2.2.2 2.2.2 2.2, 2.3, 4.3 2.2.1, 2.3.1, 4.3 2.2, 2.3
4. Jury Service Phase Term of Service Jury Fee Enrollment Procedures: Juror Check-In Excuses Postponements Orientation Lounge Procedures: Panel Forms Dismissal Methods Payment Procedure	1.2 1.2 3.1 2.2.2, 3.1, 4.3.4 2.3.2(4), 3.1 3.1 3.3 3.3.1
5. Management Plan Responsibility Selection and Service Reports Juror Evaluation	2.2.3, 2.3.2, 2.4, 3.2 3.4
6. Review Source List Jury System Plan	Provide for periodic review; submit findings to authority
7. Challenging Compliance With Selection Procedures	

Figure 4-1. Suggested Outline for a Typical Jury System Plan

In performance of the jury management function, the objectives are to be responsive to court needs, to provide jurors representative of the population, to minimize the burden on the public, and to minimize the cost. Actions to be taken during the several stages of the court's operation to accomplish these objectives are suggested in Figure 4-2.

These actions require either planning decisions or management decisions. Planning decisions are those required to formulate the formal jury system plan (defining the jury fee, term of service, list to be used, etc.). Management decisions fall into two categories -- short-term decisions (defining dismissal levels; prediction of case loads); and long-range decisions (determining the number to summon, the need for a larger or smaller qualified wheel, if used, etc.). In order to make these decisions, the jury system manager requires an array of information from the various segments of the operation, provided systematically to him in conformance with procedures established in the jury system plan. Figure 4-3 lists types of required information, indicates the source from which it may be derived, and references the relevant sections of this guide.

Objectives	Selection			Service		
	Source Selection	Qualification	Summoning	Enrollment/Orientation	Courtroom Activity	Juror Pooling
Increase responsiveness to court needs	Select adequate number from source	Document exclusions	Give adequate notice to ensure appearance	Make simple	Provide panels promptly	
Increase citizen representativeness and participation	Use best and largest possible source	Qualify at frequent intervals	Summon soon after qualifying	Limit excuses	Use random order of selection	Select from entire pool
Decrease burden upon public	Select no more than necessary	Ask only necessary questions	Give adequate notice; deliver by reasonable means	Decrease term of service Increase jury fee Increase utilization		
Minimize cost	Select no more than necessary	Use direct summoning Minimize paperwork		Combine w/1st day of service	Maximize juror utilization	

Figure 4-2. Actions To Accomplish Management Objectives

Decisions	Selection Data			Service Data			Court Data *	Juror Evaluation
	Qualifying (Yield)	Summoning (Yield)	Non-Response	Utilization	Case Load	Juror Availability		
Planning								
1. Necessity of Separate Qualifying Step	•	•	•				•	•
2. Term of Service				•	•		•	•
3. Jury Fee				•			•	•
4. Type of Delivery	•	•	•				•	•
5. Source List To Use	•	•	•				•	•
6. Exclusions	•	•	•				•	•
7. Lounge Methods				•	•		•	•
8. Selection Schedule	•	•	•				•	•
9. Enrollment Procedures		•		•			•	•
10. Panel Forms					•		•	•
Management (Long Term)								
1. Size and Age of Master Wheel	•		•					
2. Size and Age of Qualified Wheel		•	•					
3. Number To Summon	•	•	•					
4. Follow-Up Requirements								
5. Excuse Policy	•	•	•					
6. Time To Payment							•	•
7. Dismissal Policy				•	•	•		
8. Need To Revise Plan	•	•	•	•			•	•
Information Source References:								
Sections of This Guide	2.2.3 2.4	2.3.2 2.4	2.4 2.2.3 2.3.2	3.2			3.2.1	3.4
Court Records					x		x	
* Court data include budget information, trial activity, and court schedule								

Figure 4-3. Information Required for Management Decisions

4.3 Streamlining the Paper Work

One of the most rewarding improvements that can be made in jury system operations is the elimination of unnecessary paper work by court personnel and jurors. The time, money, and effort saved can be directed toward more interesting goals and activities.

This section introduces a simplified paper work system which combines the best of many innovative techniques found in a number of courts studied. The result is one multi-sheet "snap-out" package with which one computer printout (or one typing effort) produces a series of forms to provide records and essential information for the court and the juror, from the selection process through the payment voucher at the completion of service. Obviously, forms to be used in individual courts need to be designed to comply with their unique requirements.

The use of such a streamlined paper work system is described and illustrated for a hypothetical court with the following characteristics. The court uses direct summoning; a jury system plan has been formulated and is available for reference by court personnel; and a computer is utilized. The selection process includes these steps:

- (1) The source list, which is the result of annual combination of several lists, is sampled by the computer, using complete randomization to produce the master wheel. Each name is assigned a number based on the order of the draw.
- (2) Each month, the court determines the number of jurors to call, based on the predicted case load, the number of judges available, the number of jurors postponed previously to the upcoming term, and the yield experienced in prior comparable periods.
- (3) The computer draws in order the number of desired names from the randomized master wheel.
- (4) The computer prepares the paper work package in one printout, producing a detachable court record sheet (the cover) and a mailing envelope in which are enclosed the summons, a juror information card, a juror response form and return envelope, and a juror information sheet. As the information is printed, portions relevant to each succeeding form are transferred by means of selectively carbonized areas on the back of the sheets.

4.3.1 The Cover Sheet

All programmed information is printed on the cover sheet, as illustrated in Figure 4-4. In this example, this includes the juror's name and address, his random order number, the date and time to report, allowable mileage, and his previous postponement record. Once the packages are prepared for the entire summoning list, cover sheets are detached for the jury clerk's pre-service record system and the rest of the package (the "mailer") is ready for transmittal to the prospective juror. Boxes on the cover sheet (which is retained as the court record) are checked to indicate results of the mailing, such as the following:

- The mailer is returned by the post office as "undeliverable". (A follow-up notice is sent by certified mail; if it is also not deliverable, the summons is destroyed and the Board of Elections or other source is notified of the inability to deliver it.)
- Addressee ignores the summons -- "no show" on enrollment day. (A follow-up notice is sent by certified mail.)
- Addressee returns juror response form to request excuse or to indicate his disqualification. (Jury clerk acts on requests, referring those requiring judicial approval to the proper judge. Persons whose requests are denied are promptly notified.)
- Prospective juror appears for service.

COVER SHEET	NAME	C. R. CULBERTSEN	
JUROR NO. 49-125	TIME	DATE	
	9:00 A.M.	NOV 3, 1975	
DATE	NAME		JUROR NO. 49-125
NOV 3, 1975	ADDRESS		C. R. CULBERTSEN 9608 BROAD STREET CENTERVILLE, XXXXXX 22180 Mileage 25
	<input type="checkbox"/> DISQUALIFIED	Number of times previously postponed: 1	
	<input type="checkbox"/> EXCUSED	Date of last postponement: SEPT 15, 1975	
	<input type="checkbox"/> UNDELIVERABLE		
	<input type="checkbox"/> NO SHOW		
	<input type="checkbox"/> SERVE		

Figure 4-4. Example Cover Sheet

4.3.2 The Summons

This is the legal document which requires the prospective juror to appear for duty on a specified date. For fear of having an improperly constituted venire, some courts require the surrender of the summons on enrollment day as evidence of the individual's having been called.

Portions of the form may be used for other purposes, such as the detachable parking permit shown in Figure 4-5. Some courts use part of the form (or perhaps the reverse side) to provide a certificate of service to the juror when he has completed his term.

JUROR PARKING PERMIT JUROR NO. 49-125 Parking is provided for jurors at no charge in the municipal lot located at the corner of State and Center Streets for one week starting: NOV 3, 1975	State of xxxxx County of xxxxx
JUROR SUMMONS	
You are hereby summoned to appear at the Courthouse, 123 State Street, Room 203, in the City of Centerville, at:	
9:00 A.M. NOV 3, 1975	JUROR NO. 49-125 C. R. CULBERTSEN 9608 BROAD STREET CENTERVILLE, XXXXXX 22180 Mileage 25
to serve as a petit juror for approximately one week. J. R. Johnson, Sheriff	
<ul style="list-style-type: none"> • Fill out Form 2 and bring it together with this summons to court on the date shown above. • Read both sides of Form 3, fill out the front side if necessary, and return it within 2 days to the Jury Commissioner. • Form 4 contains important information concerning jury service. • Willful disobedience of this summons is a criminal contempt of court and is punishable by a fine of \$100 or imprisonment not exceeding 2 days, or both. 	
Bring This Summons With You	
Form 1	

Figure 4-5. Example Summons Form

4.3.3 Juror Information Card

The juror information card, illustrated in Figure 4-6, can serve many purposes in day-to-day management of the jury operation. It is completed by the juror prior to reporting and is brought with him on enrollment day (extras should be available for those who forget them). To eliminate the tedious roll call, the cards are collected on the first day; on subsequent days, they are laid out or displayed in a rack, and as each juror reports he removes his card and deposits it in a box. The jury clerk later notes the attendance date on the back of each card.

The cards of those present can now be used as ballots for panel selection. In the example court, the ballots are arranged in the same random order as the original selection. They might also be placed in a randomizing drum or box from which the panel or jury is chosen. Cards for a selected panel are arranged in a holder and photocopied to generate a panel list (see paragraph 3.3.1). One copy of the list is returned to the jury clerk after voir dire, annotated with challenge information; another becomes the court's jury record.

The final use of the card is as a payment voucher. Since the computer printed the juror's mileage on the card and the dates of service have been entered on the back, his pay can be calculated and noted on the card. The annotated cards are copied to create a court record, after which they are sent to the payment authority.

JUROR INFORMATION CARD		C. R. CULBERTSEN				
PLACE OF BIRTH	AGE	MARRIED <input type="checkbox"/>	SINGLE <input type="checkbox"/>	WIDOWED <input type="checkbox"/>	DIVORCED <input type="checkbox"/>	NO. OF CHILDREN
YOUR OCCUPATION	YOUR PRESENT EMPLOYER AND BUSINESS ADDRESS		YRS.	NAME OF SPOUSE		
SPOUSE'S OCCUPATION	SPOUSE'S PRESENT EMPLOYER AND BUSINESS ADDRESS		YRS.	JUROR NO. 49-125 C. R. CULBERTSEN 9608 BROAD STREET CENTERVILLE, XXXXXX 22180 Mileage 25		
HAVE YOU EVER SERVED ON A CIVIL JURY? <input type="checkbox"/> YES <input type="checkbox"/> NO		HAVE YOU EVER SERVED ON A CRIMINAL JURY? <input type="checkbox"/> YES <input type="checkbox"/> NO				
HAVE YOU EVER BEEN PARTY TO A LAWSUIT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHAT TYPE?		ANY ACCIDENTAL BODILY INJURY EVER SUSTAINED REQUIRING MEDICAL ATTENTION BY YOU? <input type="checkbox"/> YES <input type="checkbox"/> NO BY YOUR FAMILY? <input type="checkbox"/> YES <input type="checkbox"/> NO				
IF SO, TYPE OF INJURY:						
Information Below This Line Will Be Kept Confidential						
HOME TELEPHONE NO.	BUSINESS TELEPHONE NO.	SPOUSE'S BUSINESS TELEPHONE NO.	EMERGENCY TELEPHONE NO.			
Complete this form and bring with you when reporting for jury duty. Please type or print in black ink.						
Form 2						

Figure 4-6. Example Juror Information Card

4.3.4 Juror Response Form

The juror response form, illustrated in Figure 4-7, allows the prospective juror to advise the court of his disqualification or request an excuse prior to enrollment day. The form is completed and mailed back to the court in the envelope which is provided in the package. Some courts also require a doctor's statement or other supporting information if an excuse is requested. In small courts, it may be useful to require the return of the card by jurors planning to serve as well, in order to get an indication of the expected yield.

JUROR RESPONSE FORM		State of xxxxx County of xxxxx
Please read both sides of this form carefully. If any of the following statements applies to you, complete the form and return it within two days to:		
1. If disqualified, please complete the statement below (see qualifications listed on the reverse side of this form). I am disqualified from jury service under Article 4.2 because: _____		Winston Smith, Jury Commissioner 123 State Street Centerville, xxxxxx 22181
2. If requesting an excuse, please state reasons below (see grounds for excuse listed on the reverse side of this form). _____		JUROR NO. 49-125 C. R. CULBERTSEN 9608 BROAD STREET CENTERVILLE, XXXXXX 22180 Mileage 25
3. <input type="checkbox"/> Please check if you have received the summons and request no disqualification or excuse at this time.		PLEASE ENTER CORRECT ADDRESS IF NECESSARY _____
_____ Signature		Number of times previously postponed: <input type="text" value="1"/> Date of last postponement: <input type="text" value="SEPT 15, 1975"/>
		Form 3

Note: Item 3 for use by small courts only

Figure 4-7. Example Juror Response Form

4.3.5 Juror Information Sheet

One of the most frequent complaints of jurors is about the lack of practical information before reporting. Figure 4-8 suggests the type of advice most jurors need and want. Inclusion of the information sheet in this package gives prior notice of what to expect during jury service and eliminates many time-consuming questions.

JUROR INFORMATION SHEET	
Questions concerning jury service should be addressed to Mr. J. Brownlowe, Deputy Clerk of the Court, in the Jury Office, Room 203, Courthouse, telephone 938-9802.	
Jury Term: Jury service is for 5 working days unless you are excused by the court, or additional time is required to complete a trial on which you are serving. Unless otherwise instructed, court is in session Monday through Friday, from 9:00 AM to 12:30 PM and 1:30 to 4:30 PM. Lunch hour is 12:30 to 1:30 PM.	
Location: The Courthouse is located at the intersection of State and Center Streets.	
Buses and Parking: A city bus map is posted in the jury room; call the Municipal Transit at xxx-xxxx for schedules to and from the Courthouse. You may park free in the garage at State and Center Streets with the enclosed permit. A safety escort to parking areas will be provided at night.	
First Day: Enter the Courthouse through the Center Street entrance and take the elevator to the 2nd floor, Room 203. Report at 9:00 AM to sign in and receive instructions from jury department personnel. You will see a short movie, hear a brief explanation of the jury system by the presiding judge, and be issued a badge signifying your status as a juror. You will remain in the jury lounge until you are assigned to a court. If you have not been assigned to a court by 2:30, you will generally be excused for the day and told when to return for further duty.	
Second and Subsequent Days: Follow instructions given by the judge or jury clerk.	
(OVER)	
FORM 4	

JUROR INFORMATION SHEET (CONTINUED)	
Available Facilities:	
<ul style="list-style-type: none"> ■ You may receive emergency telephone calls in the jury lounge (telephone 938-9805). In an extreme emergency, inform the jury clerk (telephone 938-9802). ■ In the jury lounge, there are small lockers for personal articles (but no valuables), telephones, desks, no-smoking areas, and reading matter. ■ The cafeteria is on the 3rd floor to the right of the elevators. You may bring a lunch if you prefer. Vending machines for coffee and cold drinks are located in the cafeteria and outside the jury lounge. ■ Restrooms are located in the jury lounge, outside the cafeteria, and outside the courtrooms. 	
Juror Fees: The State Legislature has authorized the court to pay you \$20 each day you report to the Courthouse, plus 15 cents per mile, round trip, from your residence. Payment is computed on the last day of service and a check is mailed to your home address within 2 weeks.	
Trial Duration: Average trial length is one to three days, but a few trials last much longer. The trial judge will advise you of probable trial duration and may excuse you from serving if the trial is likely to extend beyond your term.	
Overnight Stay: Jurors are almost never detained overnight, but you may be sequestered while deliberating on a criminal verdict or for the duration of a highly publicized trial. The bailiff in charge will notify your family if you are to be sequestered.	
To Report an Absence: If illness or emergency prevents your attendance, call 938-9805 as near to 8:00 AM as possible. After 4:30 PM, call 938-9000.	
Closing of Court: The decision to recess court is made by the presiding judge. Check spot announcements on WXYZ AM radio between 7:30 and 9:00 AM and WPAX FM beginning at 6:30 AM. If there is no announcement by 8:15 AM, you should proceed to the Courthouse.	

Figure 4-8. Example Juror Information Sheet

4.4 Jury System Costs

The ability to separate jury system costs from other court costs will provide a management tool by which jury operations can be monitored and proposed changes can be evaluated. In this way, the cost impact of reductions in the jury term, increases in juror pay, and adoption of direct summoning can be determined. For instance, many courts question reduction of the term of jury service on the ground that the costs of calling more individuals and of providing administrative services for them become excessive. Such questions can be answered by comparing the relative costs of the alternative operations. Jury system costs are basically selection costs and service costs:

- Selection costs in 1972 were studied by the Harris County District Court (Houston), Texas.¹ The cost per impanelled juror was estimated to be \$2.82. This estimate was based on the cost of summoning 180,850 voters (33¢ each) plus the cost of qualifying and impanelling 72,863 jurors (\$2 each). Similar costs in Monroe County (Rochester), New York, for 1974 were estimated to be 43¢ per voter summoned, and \$3.86 per juror impanelled. The Massachusetts Supreme Court reported that personal delivery of the summons (before 1972) cost from \$1.30 to \$4.88 per delivery among the counties, with a state-wide average of \$2.71.
- Service costs, although probably dominated by jury fees and expenses, should include direct costs of those engaged in managing jurors as well as the indirect costs of administrative overhead. Jury fees and expenses vary widely among the courts; fees ranging from zero to \$20 per day, and expenses stretching from 2¢ per mile to the modern norm of 15¢. Costs of jury fees and expenses are usually given in annual reports, from which the fee and expense cost per jury trial can be calculated. For instance, the average fee and expense cost per jury trial was calculated to be \$1,610 during fiscal 1975 in the United States District Courts. Cost per trial varied from \$652 to \$3,300 among the 94 court districts. No estimates of the indirect service costs were found.

Since the cost burden of a jury system has been widely discussed for many generations, the need for a cost accounting approach to jury system operation seems apparent. Good management of jury systems requires adequate cost information.

¹Harris County Jury Management and Automated Jury Selection System, report prepared by Ray Hardy, District Clerk, 1974.

APPENDIX A

EXAMPLE JURY SYSTEM PLAN

The following example jury system plan is presented in abbreviated, generalized form to suggest how such a plan might be constructed. The complete plan should provide information about a court's policies and procedures in sufficient detail to guide all personnel in the operation of an orderly and integrated system.

1. APPLICABLE STATUTES AND AUTHORITY

This plan is established in response to Public Law _____ and shall be used in the State of _____ in all courts of general and limited jurisdiction which conduct jury trials. The plan has been approved by all judges appointed as of _____.

The purpose of this plan is to provide for the random selection of citizens to serve on jury duty. It is the obligation of the court to ensure that the selection is made from as great a number of eligible citizens as possible. It is the citizen's responsibility to serve when called.

2. RANDOMIZATION

2.1 In Selection

Complete randomization shall be used in selecting names from the source list(s) to generate the master list. Selection from the master list shall be from the top of the list, maintaining the random order of the names. Names selected shall be struck from the master list after being summoned.

2.2 Panel Assignment

The names of people in the venire shall be maintained in the order of their selection and shall be drawn in succession to provide panels as they are called for. The entire list shall be used until each person has been selected for one panel. Thereafter, the names of available jurors shall be randomized before reassignment to a panel.

3. SELECTION PROCESS

3.1 Source and Master Lists

The voter list and driver license shall be combined and edited to ensure that the level of duplication of names is below two percent. The master list shall be produced by random selection from the combined list and shall be generated at least once each year. The master list shall be as large as required under this plan.

Other source lists furnishing new names may also be used, subject to limits of practicality and with the approval of all judges.

3.2 Disqualification

Disqualification shall be as provided in Public Law _____.

3.3 Exemptions

In accordance with Public Law _____, there shall be no class exemptions.

3.4 Excusal

The only grounds for excuse are extreme hardship and serious medical situations. Excuses may only be requested after a person has been summoned for jury duty. If it is the court's opinion that the excuse status of an individual may change, his name shall be re-entered on the master list.

3.5 Qualifying and Summoning

Qualifying and summoning prospective jurors from the master list shall be performed as one integrated process. One month prior to each jury term, the court administrator shall determine the number of potential jurors to summon, based on the usual summons yield and the anticipated calendar load. The court shall issue an order requesting the data processing office to select the correct number of names from the master list and to print and transmit summonses to the individuals selected.

3.6 Specification of Forms

Forms to be used for qualifying and summoning prospective jurors shall be approved by the presiding judge of each court. Forms shall include a summons, a response form for juror use in reporting disqualification or requesting excuse by mail, a blank information card to be completed prior to reporting and submitted by arriving jurors on the first day of service, and an information sheet. All forms shall elicit only information necessary to determine the qualifications of the prospective juror and shall not be made public until he has been summoned and has appeared at the courthouse.

3.7 Delivery and Follow-Up

The integrated summons and qualification form and other pre-reporting material shall be transmitted by first class mail. Secondary and subsequent notices to those not responding shall be sent by certified mail. As provided by Public Law _____, truant jurors may be required to appear before the court to show cause for their truancy.

4. JURY SERVICE

4.1 Term of Service

The term of service in this court shall not exceed five days unless this would prevent a juror from fulfilling his obligation to a trial to which he has been selected. As provided in Public Law _____, no person who has completed a term of jury service may serve again for a period of two years.

4.2 Jury Fee

Each person who reports for jury duty shall receive \$20 per day and 15¢ per mile travelled to and from the courthouse. Jurors who are instructed via the telephone answering device not to appear shall not be paid if their appearance is in contradiction to the recorded message as of 5 PM the previous day.

4.3 Enrollment Procedures

4.3.1 Juror Check-In

On the first day of jury service, each prospective juror shall be required to show his summons and to hand over his completed information card, which shall be used to provide a record of those reporting.

4.3.2 Excuses

Requests for excuses may be heard if conditions prevented their being made by mail prior to reporting.

4.3.3 Postponement

Requests for postponement of jury service to a future date may be granted at the discretion of the court. The prospective juror's name, reason for postponement, and date to which jury service has been extended shall be recorded and submitted to the data processing facility for inclusion in the summoning list for that date.

4.3.4 Orientation

The information sheet transmitted with the summons provides the juror with information about transportation, facilities, emergency telephone numbers, and a brief outline of his duties. When he reports for duty, he shall be furnished with an approved juror's manual which he may keep. A welcoming address by the jury judge should be brief and conform to an approved outline and should not repeat the information given in the manual.

4.4 Lounge Procedures

The venire or assembly of prospective jurors in the jury lounge shall be the responsibility of the jury clerk. When panels are required for the commencement of a trial, the jury clerk shall be notified by the clerk of the court. The jury clerk shall select a standard panel of 18 prospective jurors for civil cases, 20 for misdemeanors, and 30 for felonies. If an additional number of jurors is needed, the jury clerk shall be advised at the time of the panel request; but if more than 40 jurors are to be required, the jury clerk shall be advised at least one week in advance.

A list of the jurors on each panel shall be prepared by the jury clerk, generated by reproducing the juror information cards provided by the jurors at enrollment. Four copies of the panel list shall accompany the panel to the courtroom; one copy shall be annotated by the court clerk, identifying jurors chosen and challenged during voir dire, and shall be returned to the jury clerk for information and recordkeeping purposes.

The Chief Judge may order the names of the venire to be kept confidential in any case where the interests of justice so require. In such cases, the names of only those on the panel will be released to counsel, except as covered in Section 7.

The juror's lounge shall be provided with reading materials and comfortable accommodations. Jurors shall not be required to remain in the courthouse longer than necessary and shall be dismissed when no longer needed. A telephone answering device shall be used to advise jurors of their next reporting requirements.

4.5 Payment Procedures

At the end of each week, the jury clerk shall submit to the County Treasurer's Office a list of names and amounts to be paid for jury service, including jurors continuing in service and those dismissed.

5. MANAGEMENT PLAN

5.1 Responsibilities

The presiding judge of each jurisdiction is responsible for the implementation of this plan. He may delegate any authority provided in this plan to other individuals. Figure 1 summarizes major jury system activities and indicates delegation of authority and responsibility for each.

5.2 Selection and Service Reports

Each month the court administrator shall report to the presiding judge on the number summoned, the number and names of those who do not respond, and the number disqualified for each group of jurors selected.

The jury clerk shall submit a monthly report to the court administrator, for inclusion with his report to the presiding judge, giving the level of juror utilization achieved for that month. Utilization figures shall include: the juror days per trial; the percent of jurors called in but not sent to any panel; the number called in each day who were not sent to a panel; and the daily peak usage. The length and apparent reason for all judge waits shall be recorded. The report shall also include the number of juror days paid and the number of trials begun, by type of case.

5.3 Jurors' Evaluation

A jury service exit questionnaire, in a form approved by the court, shall be used each quarter to solicit juror evaluation of service and comments at the completion of a term of service. Responses to the questionnaire shall be tabulated by the jury clerk and the results shall be included in his next monthly report to the court administrator.

Activity	Responsible Party			
	Judge	Court Admin.	Jury Clerk	Data Proc.
Determine number to summon	x	x		
Grant excuses or postponements	x			
Follow up non-responders and truants		x	x	
Record and data collection/monthly report		x	x	
Questionnaire distribution			x	
Questionnaire analysis		x	x	
Determine adequacy of source lists		x		x
Generate master list from source lists				x
Randomly select names for summons				x
Print and transmit summons				x
Approve mailer forms	x			
Welcoming address	x			
Approve questionnaire	x			
Jury lounge procedures			x	
Submit service records to Treas. Office			x	
Order juror names to be kept confidential	x			

Figure 1. Jury System Activities and Responsibilities

6. REVIEW OF PROCEDURES

6.1 Source Lists

Before generation of each new master list, the adequacy of source lists currently being used shall be examined. Consideration shall be given to the availability of new lists and their capacity for providing the greatest practicable number of potential jurors to the court.

6.2 Jury System Plan

Once each year, this plan shall be reviewed by a committee comprising the presiding judge, the court administrator, the clerk of the court, all jury commissioners, and two additional judges. To facilitate the review, the jury clerk and court administrator shall summarize their monthly reports and provide the summary to the committee. The committee shall prepare a review report including recommendations with respect to the necessity and desirability of modifications to this plan, for action by the presiding judge.

7. CHALLENGING COMPLIANCE WITH SELECTION PROCEDURES

The procedures prescribed by Public Law _____ shall be the exclusive means of challenging any juror on the grounds that he was not selected in conformity with provisions of the Statute.

APPENDIX B

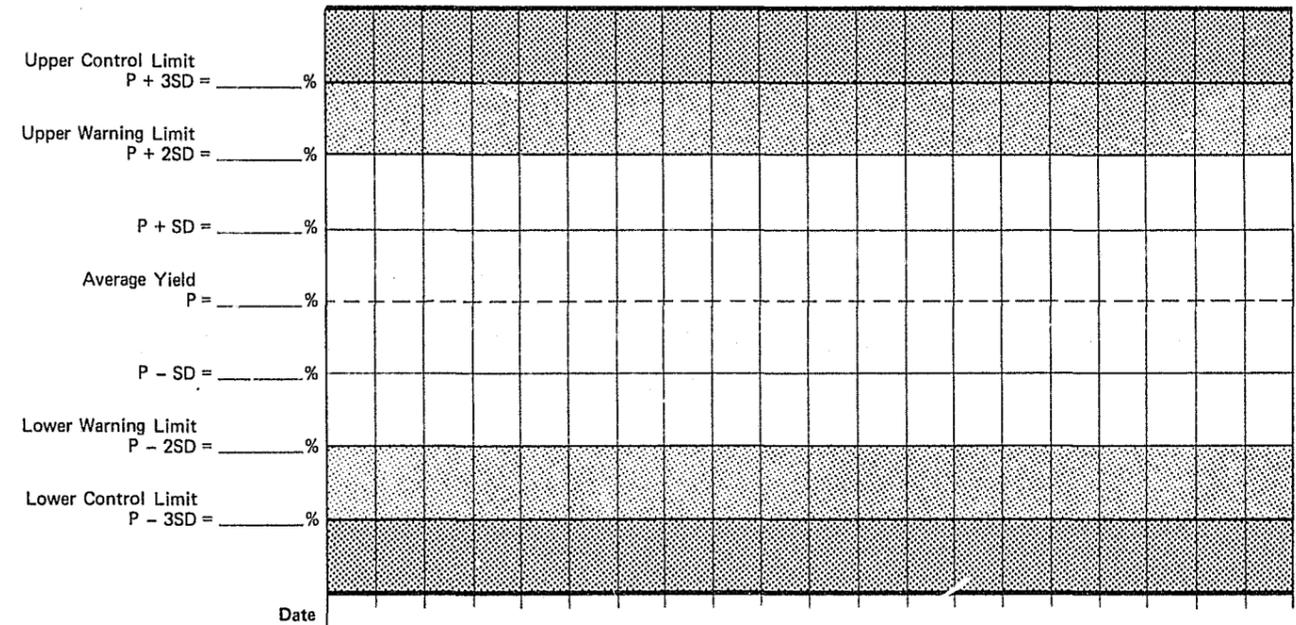
FORMS

Forms illustrated in the text are provided here
for possible use by interested courts.

YIELD COMPUTATION WORKSHEET

	Number	Percent	Number	Percent				
QUALIFICATION (Date _____)								
<i>(Use only if qualification is a separate step)</i>								
Number of Questionnaires Sent				100%				
Less:								
Undeliverable		%						
Not Returned		%						
Total Non-Response		%						
Disqualified		%						
Exempt		%						
Excused		%						
Total Excluded		%						
Total Qualified								
			Qualification Process Yield	%				
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	%				
OVERALL YIELD:								
Qualification Process Yield		%	x Summoning Process Yield		%	=		%

YIELD CONTROL CHART



Instructions:

1. Label midpoint of vertical axis with calculated average yield (P).
2. Determine SD from table or by using formula.
3. Label vertical axis at multiples of SD.
4. Plot data for each time period.

VALUES OF STANDARD DEVIATION (SD)*

Number Called n	Average Yield P = 50%	Average Yield P = 40% or P = 60%	Average Yield P = 30% or P = 70%
100	5.0%	4.9%	4.6%
200	3.5%	3.5%	3.2%
400	2.5%	2.5%	2.3%
600	2.0%	2.0%	1.9%
1000	1.6%	1.6%	1.5%
1600	1.3%	1.2%	1.1%

* Based on: $SD = \sqrt{\frac{P(100 - P)}{n}}$ where P = average yield
n = number called

This formula may also be used to determine SD for more precise values of P, if desired.

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 How much? _____
 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
12. Occupation: _____

GLOSSARY

Ballot -- printed or written slip for each name used in a randomizing drum or wheel for selection.

Disqualification -- statutorily necessary removal of a person from consideration as a juror.

Enrollment -- first day of a prospective juror's term of service which includes the orientation procedures.

Exclusion -- removal of a person from consideration who meets the criteria for an excusal, exemption, or disqualification.

Excusal -- removal of a person from consideration based on the court's opinion that he fulfills the statutory requirements for an excuse from service.

Exemption -- removal of a person from consideration based upon his belonging to a class statutorily exempt from serving (mandatory in federal system; same as disqualified).

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

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

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

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

Jury term -- period during which a juror actually serves or is required to be available to serve; court term during which jury trials are held.

Master wheel or list -- names randomly selected from the source list for possible jury service.

Multiple voir dire -- sequential voir dires during which two or more juries are selected for trials to be conducted in sequence by one judge.

RELATED READING

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

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

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

Piggy-backing -- starting a new trial while the previous jury is deliberating.

Plan -- documentation of a court's procedures and methods of implementing applicable jury system statutes.

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

Qualified wheel or list -- names of persons determined to be qualified for jury service.

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

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

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

Yield -- percent of those called or queried who are not exempt, excused, or disqualified.

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