The Promise and Challenges of Jury System Technology

By G. T. Munsterman and Paula L. Hannaford-Agor
Research Division, National Center for State Courts
March 31, 2003
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This work was funded under Grant No. SJI-00-N-047 from the State Justice Institute to the National Center for State Courts. The views expressed are those of the authors and not necessarily those of the State Justice Institute or the National Center for State Courts.
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The authors would like to thank the advisory committee members for their assistance in this project. They are:

Mr. Matt Benefiel, Court Administrator, Ninth Judicial Circuit, FL
Mr. Frank Davis, Jury Commissioner for the Commonwealth, Commonwealth of MA (retired)
Hon. Richard B. Klein, Court of Appeals, Philadelphia, PA
Mr. C. H. Mount, Unified Courts of New York, Director of Research, New York, NY
Hon. Donald E. Shelton, Circuit Court, Ann Arbor, MI
Mr. Rex Warburton, Director of Jury Services, San Diego, CA (retired)

Many individuals provided information used in this report. Their assistance is appreciated. They are:

Ms. Kay Berris, Jury Administrator, State of Connecticut, Wethersfield, CT
Ms. Michelle Brinkman, Jury Administrator, District Clerk’s Office, Travis County, Austin, TX
Ms. Gloria Gomez, Director, Juror Services Division, Los Angeles Superior Court, Los Angeles, CA
Ms. Tina Jones, Office of State Court Administration, Missouri Supreme Court, Jefferson City, MO
Mr. Robert Mayo, Voice Metrix, Eldersburg, MD
Mr. Randy McIlmoyle, ACS, Surrey, British Columbia, Canada
Mr. Brian T. McNally, Jury Commissioner for the Commonwealth (Acting), Commonwealth of MA
Ms. Thu B. Nguyen, Superior Court Manager, Orange County Superior Court, Santa Ana, CA
Mr. Todd Nuccio, Court Administrator, 26th Judicial District, Charlotte, NC
Ms. Elizabeth Paret, Clerk, United States District Court for the Eastern District of Virginia, Alexandria, VA
Mr. Ron Rutschman, Vice President, Jury Systems Inc., Encino, CA
Ms. Sarah Shew, Deputy Court Administrator, Maricopa County Superior Court, Phoenix, AZ
Ms. Pam Templeton, Director, UJS Information and Technology Office, Pierre, SD
Mr. Don Tilley, IntegraVox, La Habra Heights, CA

Special thanks to Mitch Michkowski, Ph.D., the SJI Program Manager, for his support and assistance and to Moira O’Leary Rowley of Affiliated Computer Services (ACS), Inc. for a generous financial contribution to support the printing and dissemination of this publication.
Innovations in various applications of consumer technology have been introduced so rapidly and successfully that most people no longer even express surprise when they occur. Consumers now conduct routine banking tasks 24-hours-a-day, 7-days-a-week using automatic teller machines, touch-pad telephones, and the Internet. Household items can be purchased online and delivered to the purchaser’s door, usually within 24 hours. Telecommuting alternatives now permit employers to offer their employees greater flexibility, improving worker morale and job satisfaction. Indeed, consumer demand for greater convenience was the driving force for many of these and other innovations. Yet courts have generally been slow to adapt these technologies even for internal purposes, much less for the convenience of the citizens who use the courts.

The jury system was relatively unchanged over its hundreds of years of history until the 1960s and 1970s. The primary motivation was the civil rights movement. The aim was to eliminate discrimination and discretion. Everyone should be considered for jury service. To do this, source lists were expanded, exemptions eliminated, terms of service shortened, and, still a problem, juror fees increased. Making this possible was technology, and it is technology that is making additional progress possible. From the citizen’s viewpoint, this progress is expected.

At the first Court Technology Conference in 1984, the keynote speaker said, “governments will never be able to keep up with technology.” For a variety of reasons, courts seem to be even further behind than other governmental agencies. Over these years the jury system has had an interesting position. The jury system was one of the first court systems to be automated because it was an obvious “number cruncher.” Now other court systems have caught up, and the jury system improvements have reached a plateau, albeit a high one, thanks in part to some excellent commercial jury software. The jury system operates in relative isolation from other court systems, making it less dependent on technological progress in other areas. New applications of improved technologies are being adapted but primarily in only a few leadership courts. What we see in this report are not only the applications, but the implications of using these technologies.

These implications are in five policy areas. Rather than charging ahead into the newest technologies, courts should examine these applications in terms of:

- **Integrity** – does the improvement enhance the mandates of the statutes, rules, or caselaw concerning trial by jury?
- **Privacy** – can we provide the proper balance between the public nature of the trial and the expectation of privacy held by the citizens called to serve?
- **Efficiency** – does the improvement help us maximize the use of the many resources needed for a jury trial?
- **Outreach and Public Information** – Jury service has always been recognized as a means of educating the public about not only the jury process, but about the entire judicial process as well. Can the same technologies that help persons summoned for jury services also help fulfill a broader educational role?
- **System Architecture and Support** – Technological infrastructure is necessary to support these various functions. And at what level - local, statewide, or other - should this infrastructure be established?
The observation that technology is a logical choice for supporting the jury system has never been more accurate. In its most basic form, the purpose of a jury management system is to compile, sort, and otherwise manage files of names of individuals to be considered for jury service. The two primary problems facing the courts involve random selection and communication with these individuals. Courts have long recognized that the predominant form of communication – paper summonses and juror responses delivered by the U.S. postal service – could be improved through advances in communication technologies. These technologies could provide a choice of communication means for individuals summoned for jury service without either jeopardizing the integrity of the jury system or violating prospective jurors’ expectations of privacy.

A 1989 article in *Judges’ Journal* described jury system automation in terms of three evolutionary levels. The first level consisted of the most rudimentary support – randomly selecting names, generating labels, completing forms and printing checks. At the second level, automation is capable of merging multiple lists, maintaining prior service files and managing postponements or deferments of service. The third level incorporates more sophisticated technologies, such as imaging technology, as well as performs data analysis for system monitoring and long-term planning purposes.

We are now at the fourth level of jury system automation – if not beyond. However, the levels are less easily defined from this point on because courts now use tools from all of the previous levels in different combinations. Jury systems can be configured as wide-area networks covering all the courts within a state. Some of these courts may require complex online support and others can function with occasional downloads. Portions of the system may be shared with other courts. Some functions become support functions, as when the state provides the merged lists to the various courts. It is also possible to outsource some functions. What this represents is a technological application that has matured beyond simple definitions. There are now many options from which courts can select.

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2. The anthrax scares of late 2001 led courts to realize how non-mail communication with jurors could be very beneficial and effective.
3. Throughout this report, the term “juror” refers to a person whose name has been selected from the source list, not necessarily a person who has been sworn as a trial juror.
Another change noted over the past several years has been the emergence of commercial software packages that offer capabilities that would be difficult, and not cost effective, for courts to duplicate. This external source of support has grown even more valuable as many of these software firms now support, via a common interface, a variety of other technologies including the Internet, interactive voice response (IVR) systems and scanning technologies. As this report is being written, voice recognition technology is just beginning to be tested for jury applications. And what is coming in the future? The jury trial has been characterized as an event in which all participants are in the same place at the same time. Can these dimensions be expanded to arrive at a virtual courtroom? Remote testimony via television or phone is a reality. Web-based jury trials now thought to be a curiosity are receiving serious attention by scholars.5

These changes may not take place across the board. It is more likely that they will first be introduced in exceptional trials, which are often the trials that most require new methods, and perhaps will be expanded to more routine trials down the road. For instance, mass torts trials produced many innovations in the way trials are conducted.6 Notorious trials give rise, out of necessity in many situations, to new technological applications. In the trial of Timothy McVey, the trial testimony, trial documents and trial information could be found on a website. In that same trial, the observers were in another location with the transmission encrypted to prevent unauthorized recording of the trial. In many states, assistance is provided to a trial court hearing a notorious case by the state public information officer.7 The press no longer needs to stand in line for a copy of a court order or drive to the courthouse to find out that the schedule has changed. All of this information is available on special websites.

When we began this project, we anticipated that we would focus primarily on how new technologies were replacing the old paper and pencil with IVR or Web applications. In addition to those technologies, however, other new technologies have been developed and adapted for the jury system. For example, new technologies now exist to recognize and remove duplicate names when juror source lists are merged and to improve the quality of source lists.

This evolution has taken us from the previous primary focus of efficiency into new areas. Some of these, such as education, are intended. Others have unintended aspects, such as when system integrity is lost due to automation selection problems, as will be discussed in Chapter 2, or when juror personal identification data intended for in-court use is more widely available. The introduction of technology into the jury system, as in all aspects of our society, now requires serious policy examinations as well as the basic technical and financial feasibility questions.

### Unintended Consequences of Technology

Like any change to an existing system, these new technologies have also raised issues and introduced problems that courts need to recognize and address directly. The lessons of these unintended consequences may be as important as the applications of new technologies. One challenge for courts, which is not discussed in this report, is the familiarity that jurors have with many of these technologies, which increases the likelihood that they will want to call on those tools during trial. Citizens now have access to more information than ever before, and there have been several instances where jurors have used these familiar sources to obtain information not presented at trial.

- In Texas, an American airline was sued because the information board at the entrance to the Dallas-Ft. Worth airport, which contained gate departure information, caused a driver to divert his attention, resulting in an accident. Jurors noticed many skid marks on the pavement while passing the accident scene during normal travel, and searched the Internet for information about the number of accidents on the airport roads. Based on data from one website, they calculated that the number of automobile accidents in the area of the information boards was significantly higher. This was not in the evidence presented

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7 Id. at 37-40.
to the jury, although possibly it should have been.

During a trial, it was revealed, to the consternation of the judge, that the defendant had a prior record. A juror was able to verify via a Department of Corrections website that this was true and the nature of the offense.

When a deliberating jury in Tennessee was not given any help by the judge on a request for a definition, a juror called his attorney using his cell phone. The attorney was not aware the client was a juror, let alone a deliberating juror, and read him the definition from Black's Law Dictionary.

The permissible and impermissible use of technology by jurors during trial was not intended to be a focus of this research effort, although others have explored this topic. Judges and court staff who are familiar with jury behavior have long recognized that jurors want to do the job they are given, and often become confused and frustrated when they are denied the use of everyday tools without a reasonable explanation. Simply telling jurors not to do something often yields the same result as telling a child not to do something. When they feel something is hidden from them, it isn't surprising they seek outside help. The availability of technology and hence information cannot be forgotten and, unless jurors are sequestered, cannot be denied. The best approach is to recognize this and give jurors, to the greatest extent possible, the information they need and explain what they may or may not do and why this is important. Jurors are much more likely to adhere to judges' admonitions if they are told the reasoning for why they should or should not do something.


In a recent research study of jurors on civil cases, 14% of the jurors reported talking about the case with family and friends. One such juror was on at least half of the cases studied. Paula L. Hannaford, Valerie P. Hans & G. Thomas Munsterman, Permitting Jury Discussions During Trial: Impact of the Arizona Reform, 24 LAW & HUMAN BEHAV. 359 (2000).
A driving force behind many of the technological improvements in jury system management has focused on three areas: the integrity of the jury selection process, especially in terms of the fair cross section requirement; the convenience to citizens who are summoned for jury service; and the overall efficiency of the jury management system. In all three areas, these improvements have been enormously successful—so much so, in fact, that they have forced courts to reexamine existing jury policies and procedures that have become obsolete or even counterproductive as a result of improvements in jury technology. For example, technological advances that make it possible to increase the pool of qualified jurors have also allowed courts to make a number of accommodations such as shorter terms of service and increased juror fees, so that those jurors will be able to serve if summoned.

Similarly, Internet and IVR technologies permit prospective jurors to communicate with the court in a variety of ways by providing communication interfaces with a more comprehensive jury management database. Improved memory capacity for computers also makes it possible to collect greater amounts and more detailed information about prospective jurors than was previously possible. The creation of a single electronic record of juror information, however, now makes it necessary for courts to consider how much personal information about jurors should be publicly available and how much should be protected.

Many of the improvements in jury technology have increased the overall efficiency of the system. But as pressure for greater cost-effectiveness continues to squeeze judiciary budgets, courts have begun to examine juror utilization patterns for areas where further cost savings may be found. As a result, more and more courts are developing better analytical tools to identify potential areas for improvement, and finding that efficient juror utilization requires an efficient interface between jury management functions and case management functions.

Another area that should be considered, which is not a driving force although it should be, is citizen education. Some innovative courts have recognized that focusing on the summoned juror is thinking too narrowly. Expanding that educational process to all citizens takes little additional effort. Finally, courts need to consider how to establish and support these technologies in a way that promotes an effective and efficient jury system.

In this chapter, we discuss each of these broader policy areas, including the most pressing questions that judges and court managers must be willing to confront if they are to make the most effective and appropriate use of emerging jury technologies.

**Integrity – Implications of a More Representative and Inclusive Jury Pool**

In 1975, the U.S. Supreme Court decided *Taylor v. Louisiana*, establishing the constitutional requirement that the pool of qualified, available jurors reflect...
a “fair cross section” of the community. This decision was one of several handed down by state and federal courts interpreting the Sixth and, by extension, the Seventh Amendment right to an impartial jury and the Fourteenth Amendment right to equal protection under the law. These decisions prompted courts to abandon their key-man systems in favor of random selection of names from a reliable list of citizens in the community. Initially, most courts used voter registration lists, which were by now computerized and consequently more manageable than individual index cards.

The use of random selection techniques eliminated, for the most part, intentional discrimination from jury administration, but it did not address the issue of whether the voter registration lists were themselves representative of their communities or even broadly inclusive of the adult population. Numerous studies documented that older and predominantly white citizens with comparatively high income and education were overrepresented on voter registration lists. As technology developed that was capable of identifying duplicate names in the juror source lists, many courts began to supplement voter registration lists with lists of licensed drivers in an effort to come closer to the fair cross section ideal. This technology has continued to improve and now permits courts to combine multiple source lists and identify and discard duplicate listings with relative ease.

In general, all of these efforts were extraordinarily successful. The master jury lists from which summonses are selected are now far more representative and inclusive than those of 30 years ago. But in doing so, courts have had to recognize the operational distinctions between individuals who are presumably jury-eligible on the master jury list, individuals who are actually qualified to serve as jurors, and those who are able and willing to serve. These are important distinctions for two reasons. First, as the master jury list became more inclusive of the general adult population, the respective jury yields decreased and the administrative costs of the jury system increased proportionately. Second, and more importantly, the inclusion of individuals who were otherwise qualified to serve, but who were unable or unwilling to serve due to various financial constraints, tended to skew the demographics of the jury pool, undermining efforts to achieve a fair cross section of the community.

Over time, courts have identified two particular stages of the jury selection process that are most likely to contribute to these problems – summoning (including following up on non-responders) and granting exemptions and excuses – and have begun to adjust existing policies and procedures to address these problems. In the summoning stage, undeliverable summonses as a result of inaccurate addresses from the juror source lists are the most significant problem, accounting for nearly half of all summonses mailed in some jurisdictions. Younger, lower-income individuals and minorities are comparatively more mobile than older, higher-income, and White individuals, and thus account for a disproportionately large number of summonses returned as undeliverable. Historically courts have had little success in persuading other state and local agencies (e.g., the Voter Registrar, the Department of Motor Vehicles) to improve the maintenance of these databases solely to improve the accuracy of addresses on the master jury list. As they gained the ability to merge multiple lists, courts have been able to capitalize on the relative accuracy of some source lists as compared to others by programming their jury systems to retain the names and addresses of prospective jurors from the most accurate list when determining which records to delete when duplicates occur. For example, state tax records and unemployment compensation lists, which are updated at least annually, are generally far more accurate than lists of licensed drivers and voter registration lists that are maintained more infrequently. Courts have also found that NCOA services offered

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13 Under the key-man system, it was the local jury commissioner’s task to select persons known to be honest, upstanding persons in the community to form the pool of potential jurors.


15 The jury yield is the proportion of persons selected who are qualified and available to serve. G. THOMAS MUNSTERMAN, JURY SYSTEM MANAGEMENT 44 (1996).

16 National Change of Address, see http://www.usps.com.
by private vendors are a cost-effective method of ensuring the most up-to-date addresses possible for juror summonses.

A related issue was court follow-up for individuals who did not respond to summonses. Until relatively recently, courts did not generally invest substantial time or resources to investigating the status or availability of non-responders. As the proportion of non-responders gradually increased, however, more courts institutionalized follow-up procedures. Some follow-up programs consisted of relatively gentle reminders, whereas others were more punitive, threatening fines or even jail time.17

Reduced juror yields also result when large proportions of otherwise qualified jurors are exempted or excused from jury service. Historically, states have offered exemptions from jury service to individuals holding high-ranking political offices or public safety occupations (police, fire, physicians and other medical service personnel) on the justification that their time was more appropriately spent on their occupational duties than on jury service. Over time, however, it became a measure of political power for various interest groups to secure exemptions from jury service for their members. Until 1996, when it eliminated all occupational exemptions from jury service, New York State led the country in the highest number of occupational exemptions, relieving an estimated one million persons annually from jury service and imposing the burden on those individuals remaining in the jury pool.18 Similarly, discretionary provisions to excuse citizens from jury service were used extensively to relieve individuals from serving if doing so would impose an unreasonable financial or medical hardship. Because the individuals seeking to be excused were disproportionately lower-income and held jobs that were less likely to offer compensation for employees on jury service, the resulting jury venire was again skewed toward a middle-income, white-collar, non-minority composition.

Seeking ways to distribute the burden of jury service more equitably, courts began to explore ways to enable a greater proportion of otherwise eligible citizens to serve. Many states eliminated most, if not all, occupational exemptions. Some courts reduced the term of jury service, many to one day/one trial.19 Juror fees in some states were increased to offset out-of-pocket expenses and income lost due to jury service. A few jurisdictions have gone even further to address barriers to jury service, such as arranging for free or reduced-cost public transportation for jurors,20 providing compensation for dependent care expenses21 or even offering dependent care on site.22 Another effort that is growing in popularity is public outreach, especially to employers, to encourage community support for the jury system.23

Many of these efforts have made it possible for individuals to serve who would otherwise suffer substantial financial or personal hardship as a result. What the courts are now just beginning to address is the need to accommodate the needs and, more significantly, to respect the contributions of individuals who previously were unable to participate in the jury system. The implications of their participation reaches beyond jury administration, effecting not only courtroom procedure but also tactical decisions by litigants about what cases to try and how to best present those cases to more diverse juries. Examples of the policy debates that are currently underway >>

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17 In terms of return on investment, it is not clear that follow-up procedures beyond second notices substantially increase juror yields because many new responders are either disqualified from jury service or are subsequently excused for hardship. See, e.g., http://www.state.ma.us/courts/jury/failure.htm#STATISTICS.

18 The Jury Project: Report to the Chief Judge of the State of New York 31-34 (March 31, 1994).

19 Approximately 40% of the U.S. population lives in jurisdictions that operate under a One Day/One Trial term of jury service.

20 St. Paul, MN; Seattle, WA; and San Diego, CA.

21 Minnesota is currently the only statewide jurisdiction that reimburses jurors for childcare expenses. MINN. STAT. § 593.48. A small number of courts have implemented local childcare reimbursement programs (Boise, Idaho). Colorado, Connecticut, and Massachusetts will reimburse the expenses of jurors who are unemployed, including childcare expenses.

22 E.g., D.C. Superior Court and the Ninth Judicial Court of Florida.

include:

- the legitimacy of peremptory challenges in the contemporary justice system;\(^{24}\)
- the availability of tools and resources to aid jurors in their decision-making tasks;\(^{25}\)
- the appropriateness of providing judicial guidance to jurors on deliberations, given that large numbers of people today lack experience in conducting effective small group discussions;\(^{26}\)
- the potential effects of non-unanimous verdict rules on jury deliberations;\(^{27}\) and
- implications for the criminal justice system of decreased perceptions of police credibility by minority jurors.

How these debates will be resolved in the future is still unknown, but they are unquestionably a direct result of the technological advances that have made jury venires more representative and inclusive.

Privacy – Is Juror Information Public or Private?

Innovations in jury management technology facilitate the compilation of large amounts of information about the citizens who report for jury service. Because modern jury systems are designed as comprehensive management tools, they ease the transition from one step to the next in the jury selection process. For example, modern jury management systems are now capable of creating a master jury list from two or more jury source lists; randomly selecting names from the master jury list and preparing jury summonses; recording qualification information, including exemption, excusal, and deferral status; tracking juror reporting and service status; and calculating and paying juror fees and mileage.

The advantage of having all of this information in one system is not only the ease of day-to-day operation of the jury system, but also the ability to analyze this information for management purposes, such as evaluation and long-term planning. But the improved ability to collect, record, and analyze personal information about prospective jurors also carries a significant responsibility to use that information in a manner that is consistent with court policies concerning public access to court records. Respecting the legitimate expectations of jurors concerning personal privacy is particularly critical insofar that it affects the willingness of citizens to participate as jurors in the justice system. Jurors report with an expectation of privacy. This section outlines the privacy implications related to innovations in jury management technology and some of the policies and procedures that courts have enacted to address those issues.

The question of whether juror information should be publicly accessible has generated a great deal of debate in recent years, much of which focuses on the tension between the First Amendment right of the press and public to open court records and proceedings and the Sixth Amendment right of criminal defendants to a fair and impartial jury.\(^{28}\) In very few instances does the discussion focus on the discrete types of juror information that are collected by the courts. The brief overview below reveals that courts actually collect and record a great deal of personal information about citizens just from the summoning and qualification phases of


jury selection; additional information is typically solicited during in-court voir dire.

- Source list information: the prospective juror's name, street address, and often the Social Security number and/or date of birth;
- Qualification information: citizenship and residency status, literacy and fluency in English, criminal background, and other disqualification criteria for jury service;
- Demographic information: race/ethnicity, and gender;
- Documentation supporting a statutory exemption, or a request to be excused for medical or financial hardship or to defer jury service to a later term of service;
- Contact information: home and work telephone number, e-mail address; and
- Basic voir dire information: occupation and employer information, education level, marital status, and information about spouses (occupation, employer) and minor children (ages, schools).

A consensus is slowly evolving in the courts community that qualification and administrative information about prospective jurors should be considered internal working documents for court management purposes and should not be publicly accessible, while voir dire information should be publicly available. To give meaning to these distinctions, however, courts must take steps to develop policies and procedures to secure private information and to ease access to public information.

A useful first step for implementing and enforcing juror privacy policies is to segregate private juror information from public information at every step in the jury management process to minimize the possibility that private information will be inadvertently disclosed with public information. This step requires court staff to consider both the organization and the content of information before it is collected (e.g., source list variables, summonses, qualification and voir dire questionnaires). Subsequent decisions focus on how the information is entered into and extracted from the jury management system. A couple of examples will help to illustrate the issues involved in segregating public from private information.

The basic information needed from the source list is the name and address of each potential juror for summoning purposes. If more than one source list is used to create the master jury list, many courts supplement the name and address information with the Social Security number or date of birth for the purpose of identifying and removing duplicate names. The use of multiple sources involves two possible complications related to juror privacy. First, federal law permits courts to use Social Security numbers for the purpose of creating the master jury list, but it prohibits disclosure of the Social Security number and restricts its use for all other purposes without the expressed consent of the person to whom the number applies. So courts must be careful to delete the Social Security number from the master jury list after the “merge and purge” process is complete, especially in jurisdictions where the master jury list is publicly accessible. If the Social Security number is kept in the juror data file, then access should be carefully limited.

Second, many source lists format names and addresses (e.g., use of initials in names, abbreviations of streets) in a way that makes it possible to identify from which list the name was drawn. In jurisdictions that rely on lists of registered voters and licensed drivers, which do not typically have negative connotations, this does not generate a great deal of concern. However, jurisdictions that use supplemental lists of unemployment or welfare recipients have greater concern about the ability to identify these individuals based on the format of their names and addresses on the master list (and >>

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29 See Paula L. Hannaford, Safeguarding Juror Privacy: A New Framework for Court Policies and Procedures, 85 JUDICATURE 18 (July/August 2001); ABA JUDICIAL ADMINISTRATION DIVISION, STANDARDS RELATING TO JUROR USE AND MANAGEMENT, Standards 11(c) (1993) and 20(a) (1997) [hereinafter STANDARDS].


31 See MARTHA W. STEKETEE & ALAN CARLSON, DEVELOPING CCJ/COSCA GUIDELINES FOR PUBLIC ACCESS TO COURT RECORDS: A NATIONAL PROJECT TO ASSIST STATE COURTS (October 18, 2002).

32 42 USC 405 (c) (2) (E) i and ii.
subsequently on the summons and on panel lists delivered to the courtroom). Courts that use such lists may need to develop an additional step in the creation of the master jury list to reformat all of the names and addresses in such a way that the origin of the name will not be discernible from a visual inspection.

Most jurisdictions include a qualification questionnaire as part of the summons for jury service. This questionnaire asks prospective jurors to indicate whether they meet the eligibility criteria for jury service under state statutes – typically U.S. citizenship; residency in the jurisdiction for a specified period of time; no legal disability (e.g., under the age of 18, felony conviction, or mental incapacity), and ability to speak and understand English. Many jurisdictions also supplement the qualification questionnaire with questions related to administrative information (including demographic information used for statistical reporting purposes) and basic voir dire questions. How these different types of questions are organized on the questionnaire can have a significant impact on the court’s ability to seal certain responses from public access. For example, questionnaires on which qualification, administrative, and voir dire information is divided on different parts of the questionnaire can be physically separated along perforation lines, allowing the court to grant public access to some parts of the questionnaire without granting access to all parts. This technique is also useful for courts that use imaging technology to record the returned questionnaires. It is much easier to remove, block out, or tag larger portions of the questionnaire than it is for individual responses to questions.

Once the court has identified which items of juror information should be publicly accessible and which should be restricted, the question becomes how best to secure private information from unauthorized access or inadvertent publication by the court. To do this, courts need to develop policies for data entry, data maintenance, and the retrieval and reporting of information from jury systems.

Data entry of juror information is still done by court staff in most jurisdictions, however technological advances have greatly improved the efficiency of this process. Source lists are typically delivered to the courts in electronic format, rather than via computer printouts of names and addresses from local Voter Registrar or Motor Vehicle Offices. Imaging technology captures individual items on qualification questionnaires and automatically enters them into the jury management system, rather than having court staff manually enter this information. Some courts are beginning to implement integrated systems that permit prospective jurors to respond to qualification questionnaires and to request exemptions, excusals, and deferrals over the Internet and have the data entered directly into the jury management system.

In most instances, the primary juror privacy issue associated with data entry is the disposition of the original source lists and qualification questionnaires. Are the original source lists (including Social Security number or date of birth) maintained on the court’s computer system? Or are they deleted as soon as the master jury list is completed? If the source lists are retained, for how long? Who has access to the original lists? Are the original qualification questionnaires destroyed after the data are entered? If not, where are they stored? For how long are they stored? Who has access to the storage area?

After policies addressing these questions have been developed, secured maintenance of the jury database becomes the next area of concern. Protection from unauthorized access from both external and internal sources should be developed and implemented. The questions related to external access apply to all areas of the court’s computer system. Can users gain access to any part of the court’s computer system from a remote location? If so, what protections are in place (e.g., computer identification, user passwords) to ensure that access is only available to authorized users? Have firewalls been established to prevent hackers from gaining unauthorized access?

Access by internal users should also be addressed. For example, do all court employees have clearance to access the jury management database? Or is access

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33 In courts using a two-step process, a questionnaire is sent and then the summons.
restricted to jury personnel only? Which users have the ability to modify information in the database (as opposed to simply viewing the information)? Does the computer system have the ability to identify which users have accessed jury files and when? If so, does the court routinely monitor who uses those files?

A great deal of jury information is used exclusively for routine jury operations, such as identifying and summoning prospective jurors, notifying them about when and where to report for jury service, and calculating and paying juror fees and mileage. But some of this information must be extracted from the database and reported to the courtroom and to the attorneys and litigants for the purpose of jury selection. In addition, court management requires periodic reports about jury operations for planning and evaluation purposes. Both of these types of reports are ordinarily a matter of public record, so it is important for court staff to consider the level of detail that will be provided about individual jurors and avoid including superfluous information that is unnecessary for the specific task at hand.

Reports that are generated for jury selection purposes (e.g., alphabetical and randomized lists of prospective jurors in the venire) include the jurors’ names and, depending on the jurisdiction, some indication of their place of residence (zip code, neighborhood, or actual street address). In addition, many jurisdictions will provide any basic voir dire information (marital status, occupation) that was included in the qualification questionnaire. As a rule, qualification and administrative information about jurors, including demographic information, should not be routinely provided in reports to the courtroom for voir dire, particularly insofar as race, ethnicity, and gender are not permissible criteria for jury selection.34

Jury management reports, such as demographic information about the jury pool, the proportion of responding jurors who are disqualified or excused from jury service, and costs associated with jury operations, can be very helpful for identifying areas in need of improvement and planning for future court needs. In most instances, these reports should provide aggregate information about their respective subjects, rather than providing identifying information about individual jurors.

In the rare instances when individual qualification or administrative information is included in either a voir dire report or a jury management report, court policies should be in place specifying who may have access to the report, what should become of reports after the intended tasks are complete, under what circumstances those reports can be more widely distributed, and what consequences will follow if restrictions on access are violated. For example, how many copies of these reports should be sent to the courtroom? May lawyers for a criminal defendant share a voir dire panel report that includes juror addresses with their client? May lawyers retain juror questionnaires for citizens who were questioned, but not selected, for the jury? May they retain jury questionnaires for citizens who were not even questioned during jury selection? If those questionnaires are not retained, what becomes of them? Are they returned and destroyed? Who is responsible for ensuring that all copies of the reports are returned? Do the reports become part of the court file? Should the information be sealed? For how long should the information be retained in the court file?

As we saw from the discussion above, the most difficult aspect of protecting the privacy of personal juror information given improvements in jury technology is deciding which items of juror information should be publicly accessible and which items should be deemed personal and inaccessible except to authorized court staff. Once these decisions have been made, the court’s data security systems should be set up to provide appropriate levels of protection for private information without unduly hampering the ability of court staff to access and disseminate public information. In addition, routine court management reports and jury selection lists should be designed and formatted with the intent to provide public information in a straightforward manner and to protect the privacy of personal information. Finally, court staff at all levels should be educated about the purpose of these policies to avoid inadvertent violations.

34 See STANDARDS, supra note 2.
Efficiency – Evolving from Jury Operations to Jury Management

As noted earlier, jury operations were recognized almost immediately as a fertile area for automation because the majority of tasks were highly routinized and required little discretionary decision making by court staff. Jury operations were almost exclusively concerned with inventory control – that is, ensuring that a sufficient number of prospective jurors were qualified and available to serve for all trials scheduled during that term of court. Estimates of the number of jurors needed were derived from a fairly stable mathematical formula that incorporated the following:

- the number of jury trials scheduled for a particular period of time;  
- the number of jurors and alternates sworn for trial (6 to 12 jurors plus 1-3 alternates, depending on the estimated trial length);  
- the estimated number of prospective jurors who would fail to report for jury service on the day of jury selection;  
- the estimated number of challenges for cause likely to be granted; and  
- the number of peremptory challenges available to the parties (4 to 20, depending on the jurisdiction and type of case).

Typically, jury staff would then add a few more jurors to the total, “just in case.” Based on this calculation, court staff would then estimate the number of summonses to be generated based on known jury yields. The intensive focus on the mechanics of summoning, qualifying, and scheduling prospective jurors for service left little room for thought about whether the actual composition of the jury pool really reflected a fair cross section of the community (and if not, why not), whether the jury system was using its resources as efficiently and effectively as possible, and whether the jury system was being reasonably responsive to the legitimate needs of jurors, including respecting jurors’ time.

In contrast to jury operations, jury management must be attentive to all aspects of the jury system: the composition of the resulting jury pool, its overall efficiency, and its responsiveness to citizens’ needs. This recognition of the distinction between the purpose of jury operations and that of jury management is a relatively recent insight, but has become more important as budgetary pressures continue to prompt courts to identify potential areas for cost savings. In doing so, it has also prompted a reexamination of how jury operations interface with other areas of court operations, especially calendar management. For example, jury managers are now beginning to coordinate more closely with calendar clerks to forecast the number of jury trials that are likely to proceed to trial, rather than simply basing estimates on the number of jury trials scheduled. More accurate forecasting reduces the number of summonses mailed, thereby eliminating excessive postage and administrative costs, avoiding unnecessary qualification of prospective jurors who are never told to report for service (and who are then exempt from jury service for some statutorily defined period of time), and preventing needless disruption to jurors’ lives. Some jury managers are also working with judges to implement policies to discourage “last minute” settlements and plea agreements, such as levying the full amount of jury fees on civil litigants and requiring criminal defendants to plead to the full charge on the indictment if the lawyers fail to notify the court before the jury panel is ordered to report for service.

All of these measures are key components of effective jury management. The development of sophisticated technological and analytical tools for jury management is still underway. Both commercial vendors of jury system software and individual courts are continuing the process of refining data definitions and implementing accurate data collection procedures by court staff to facilitate reliable long-term forecasting and management planning.

Outreach/Public Information

Movies, television and popular fiction seldom portray juries in a realistic way. Even the classic film *Twelve Angry Men* contains many examples of things juries should not do. The jury’s verdict in *To Kill a Mockingbird* was obviously biased. The trials reported on television or in the press are seldom typical. It should not be surprising that citizens have strange ideas of what jury duty is all about.
There are two basic ways to overcome these impressions. The first, and arguably the most effective, is firsthand experience with jury service. Recent surveys indicate that approximately 24% of all adult Americans have served on jury duty. Whether this means being a sworn juror or simply reporting is not known. It is known that most persons are more positive after having served. The 76% of the population who have not served can be reached by juror outreach programs, and technology provides many mechanisms to facilitate these programs. Among these are court-based websites, many of which provide information on jury service, including such topics as:

- The history of trial by jury;
- The importance of trial by jury in today's society;
- Different types of trials and procedures used;
- Information for jurors about reporting, including when, where, how, parking, and schedules;
- Statutory requirements for employers concerning compensation and treatment of employees summoned for jury service; and
- Streaming video orientation presentations.

Many community cable channels now include an orientation to jury service. In Fairfax County, Virginia, which may have been the first to use this medium for juror orientation, the presentation is different from the in-court orientation that jurors receive when they report. The cable orientation provides the pre-reporting information a juror needs, such as parking and courthouse location, how postponements may be requested, what to expect, and how jurors may be contacted by family members in an emergency. In Massachusetts, interviews are conducted on a local cable channel with judges, clerks, attorneys, and jurors discussing and demystifying the jury trial process, the history of the jury system, and the details of its administration and satisfaction with that jury system. Interviews are recorded, distributed to local cable providers throughout the state, and televised for public information purposes.

Many organizations interested in providing information on the jury system have excellent websites. However, it should be noted that there are many more websites devoted to political views about the jury system than there are that provide unbiased educational information.

**System Architecture and Support**

The stand-alone jury system, whether purchased off-the-shelf or designed in-house, that operates independently of other technology systems is quickly being eclipsed by more complex systems. Some portions of the jury management process may be outsourced, such as mailing qualification questionnaires and summonses. Other vendors may provide information or services using the Internet, IVR interfaces or document scanners. The state judiciary or another state or local government agency may provide the source list already merged and updated. Another vendor may support an information kiosk that is programmed to dispense juror checks. Orange County, California, is working on a way in which the barcode on the summons would permit the juror to easily enter and exit the county parking garage. All of these technology enhancements make jury service less onerous and more informative for citizens and often more efficient for the courts. This section examines how these jury functions can be supported.

Typically, the first area of outside support consists of providing the source list to the courts. In several jurisdictions the state obtains the source lists, merges the lists, removes duplicate names and performs other administrative tasks such as using NCOA updates or applying suppression files. The state then provides the lists to the courts in some machine-readable format. In Virginia, this is the limit of the state's ongoing jury system support. In other states, this is just the beginning. Colorado, New York and South Dakota have developed the entire jury system in house. In these

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38 See Chapter 2.
states, smaller courts may use a stand-alone version of the system, and larger courts are online with the state system.

The system developed by the Unified Judicial System in South Dakota is noteworthy for several reasons. First, it was developed in-house for less than $50,000. It was originally written by a contractor in Microsoft Access 97, but efforts are underway to convert the systems. As of mid-2002, 10 courts are piloting the web interface modules, and 30 of the state's 62 counties are using the system either as a single user, over the local area networks in the courts, or via the state's wide area network. The system will be expanded in the future. Legislation is pending to permit the state to generate the merged source list, which is now the responsibility of each county auditor.

A number of states have purchased software and make the systems available to the individual courts, with support and training provided by the state. Missouri provides the ACS Juror Management System to each county. Appendix C describes the system in a document sent to each county or circuit in advance of receipt of the system. Of particular interest is the discussion of the privacy of the lists and the assurances requested from the counties as to how these lists will be treated. Appendix C also contains models of the qualification questionnaire and summons which are used. These forms are customized for each county, although a consistent format is used. As each new county comes on-line, a team from the Office of Court Administration trains the local staff. The state maintains a Help Desk that the courts can call when needed, and a liaison with the software provider is available through the state for updates or needed revisions. Missouri also provides county-by-county information on the state court web site and links to counties that have their own web sites. The effort in Missouri is a part of a much larger court automation project. The skills in the Office of Court Administration are much broader than simply supporting the jury system, which provides a larger base of skills at all levels and more extensive communications with other portions of the local courts.

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39 The South Dakota jury system was presented at the Court Technology Conference VII 2001 in Baltimore, Maryland. Portions of the system description presented are provided in Appendix B.

40 Virginia and Illinois did this as pilot projects for the rest of the state to observe.
Single and Multiple Lists

Well over half the states use more than one source list as the source of names for jurors. The use of multiple lists provides greater coverage of the eligible population than most single lists can provide. The most common combination is the list of registered voters and the list of licensed drivers. The latter list usually includes persons issued identification (ID) cards.

Duplicate Recognition

When courts combine source lists to arrive at a single combined list, the greatest problem is the identification and elimination of duplicates. The reason duplicates should be removed is that if a person is on two lists, that person would have twice the chance of being selected. Equal probability of selection is the most common definition of randomness. In the duplicate recognition process, there are two errors which can occur:

1. Two names are thought to be the same person but are not. The elimination of one name eliminates a person from consideration for jury service (false duplicate).
2. Two names are thought to be different persons when in fact they are the same person. The result is that this person has twice the chance of being selected compared to other persons (unrecognized duplicates).

Error 1 is by far a worse situation than error 2. The relationship between these errors is determined by the strictness of the matching criteria. As matching criteria become less strict, more unrecognized duplicates are left on the combined source list. Balancing these possible errors is a complex topic which courts are often not prepared to address. For this reason, list combination by an outside vendor or a centralized in-state facility may bring the needed skills to this problem.

When duplicates are recognized, then a single record is kept. However, there are often still discrepancies between the two records. The record that has the best information is the one that should be used. This is referred to as the list priority. The list priority may be fixed - that is, one list may be consistently more up-to-date than others. For example, the licensed drivers list tends to be more up-to-date than the registered voters list. Alternatively, the list priority may not be fixed, in which case courts should use the records most recently updated. The process of developing a single record from the duplicates is called the “roll-up” process and can be quite complex. Consider, for instance, two duplicate records, one with an out-of-state address. The better list indicates an out-of-state address. Should the name be rejected as an out-of-state resident or should the second address, which is in-state, be retained? Again, rather than disenfranchise a person, courts should err on the side of including as many persons as possible to avoid “systematic exclusion.”

41 Massachusetts is unique in that the statutes require every city and town to conduct an annual comprehensive census of all citizens. This census is the juror source list.

42 This topic is covered in more basic detail in Jury System Management (JSM) in Chapter 2. Methods exist whereby the lists are independently sampled and the duplicates removed by comparing one sample to the entire other list. Simply comparing for duplicates between the samples is inadequate.

43 See Standards, supra note 2, at Standard 3 (Random Selection Methods).

Some jury software incorporates the address in the juror identification number. The juror identification number is considered to be a unique identifier for all future jury management purposes. The inability to change the juror identification number could be a problem, as it would not track a person who moves to a new address.

**Multiple Lists**

When more than two lists are combined, the complexity is increased. Many states are looking to go beyond the voters and drivers/ID card holders lists for several reasons:

1. Other lists bring more persons into the jury system, enhancing inclusiveness.\(^{45}\)

2. Using more lists represents a “good faith” effort by the courts to include as many persons as possible from all walks of life.

3. Some lists are maintained more frequently and have better addresses.

New York and Connecticut have gone further in the use of multiple lists than other states. New York combines the voters, drivers/ID, state income tax, some welfare lists, and the list of persons receiving unemployment compensation. Connecticut uses all of these except the welfare list.

No matter how many are used, all of them will not be maintained by the courts, which means the courts will have to procure them from other government entities. This process is often complicated for the following reasons:

1. There are privacy issues which must be resolved (see Chapter 2).

2. The lists are complex in file structure, and some sorting and editing is needed to screen out persons who are not qualified for service (e.g., persons under the age of 18, persons living out-of-state).\(^{46}\)

3. The lists are maintained on some schedule which does not correspond to the need of the courts.

4. The work needed to provide the lists is probably an “unfunded mandate” upon the other state agencies.\(^{47}\)

5. There are compatibility problems between the systems providing the lists.

6. The agencies that maintain the lists have a sense of proprietary ownership.

In Connecticut and New York, a great deal of work was done with each agency that provided the lists to establish privacy protocols, schedules, formats and a sound working relationship. The work in these states has provided us with two other valuable insights into multiple lists. The first is an examination of the result or utility of using many lists, and the second is some new technologies to recognize duplicates.

The four lists and the size of each list in Connecticut is presented, below.\(^{48}\)

<table>
<thead>
<tr>
<th>Type of List</th>
<th>List Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers/ID</td>
<td>2,326,800</td>
</tr>
<tr>
<td>Voters</td>
<td>1,944,738</td>
</tr>
<tr>
<td>Tax</td>
<td>1,879,969</td>
</tr>
<tr>
<td>Unemployment</td>
<td>110,129</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,261,636</strong></td>
</tr>
</tbody>
</table>

Editing and removing duplicates and combining the records produced a master list of 2,912,422 names.

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\(^{45}\) If everyone is included on a list, then a random selection from that list will be representative of the population within statistically determined tolerances (i.e., sampling error).

\(^{46}\) When one metropolitan court finally learned how to request the drivers/ID list for only valid licenses that are new or have been renewed, the list provided was one-half the previous size.

\(^{47}\) In Michigan, which uses only the drivers’ list, the Secretary of State previously worked with each county to provide the needed list. Now they produce a CD which has the list for every county in the state in alphabetical and random order along with a test file. Each county is given a password to enable it to access the lists on the CD.

Note that this is considerably larger than any of the constituent lists. Through the duplicate recognition process, it was possible to determine the number of names unique to each list and duplicated among the various lists. The results are presented in the following table.

Of the 2.9 million names, 900,381 are unique to just one of the lists. If, for instance, the tax list were not used, then 193,139 persons would not be on the source list. The tax list is highly duplicative, but the use of the tax list provides the most recent addresses. In the right hand portion of the table, the inter-list duplicates are included. Persons who vote, drive and pay taxes (TDV) make up 38% of the total, the largest by far of the constituent groups. Only 1.7% of the names are found on all four lists.

In New York the results are similar in that the welfare list (like the unemployment list) was small in comparison to the others, but each list provides a significant number of unique names. In both states, the lists are merged by the state and not at the court level. As of June 2002, New York, which developed an in-house matching procedure, has contracted for this work to be done by the same firm that provides the NCOA service. Connecticut began the process using Vality Technology and is considering developing its own in-house matching software.

Connecticut has introduced another interesting technology to the name-matching process via its work with Vality Technology. Typically two records or names are matched and a decision is made as to whether the names are duplicates. Some “conditioning”...
of the records may be necessary to make the record format more compatible, and there may be an edit routine to look for blank fields. At some point in the process, based on agreement between the characters in the records, a decision is made as to whether the records are duplicates or are records of unique individuals. This decision is a binary decision based on the fields matched between the records. The Connecticut work brought the technology of statistical matching to the jury list issue. The technology has wide applications in other fields and grew out of work begun in the census and medical record fields.

In statistical matching, the program develops a probability that two records are or are not the same, based on statistical properties of the records. The statistics are developed by the program based on the occurrence of certain names or characters on the lists. For instance, two records from “Tom Smith” have a low probability of being the same person, and other information must match as well in order to determine a match. However, a very unique name would need far less additional information to determine whether or not it is a duplicate. Highly unique fields such as Social Security number or birth date may require little additional information. In fact, many courts consider Social Security numbers to be totally unique, although this is not necessarily the case especially when input errors are included. Streets which have few addresses provide a better indication of a match than do streets with many addresses.

The degree of matching desired by the court can be tested. In Connecticut, the number of matches could be examined for various levels of statistical probabilities. It was also possible to examine pairs of records near the statistical cut-off valves to view examples of pairs of records considered to be or not to be duplicates. Since the probabilities are developed for each merging, the technique is adaptive to the addition of lists or changes in the lists.

This work in Connecticut is the first application of this technology. Since no merging of the same lists using binary techniques is available, we do not have any evaluative data by which to compare the two methods.

Techniques for Improving List Accuracy

Correcting or updating lists may be done after the lists are merged to further improve their accuracy or prior to merging to take advantage of the better addresses in the duplication matching process. The question then is one of which list or lists should be brought up to date and when.

The newly merged lists are subject to several processes. One is “geo-coding,” which ensures that each record has a proper address or designation within the jurisdiction and ascertains that all addresses are within the jurisdiction. Some people maintain mailing addresses outside of the jurisdiction, making residency an issue for qualification purposes. People who maintain several addresses, such as persons with summer or winter homes, or people who maintain an official residency for tax purposes but live in another jurisdiction, require courts to carefully consider the definitions of residency. In Massachusetts, jury service jurisdiction is based on where the person spent the majority of time in the past year. Other courts base jurisdiction on where the prospective juror pays taxes or which address is used for federal income tax purposes. The jurisdiction in which a person is registered to vote is another source of established residency.

Many courts use the National Change of Address (NCOA) system to update master jury lists. This service is available from firms licensed through the U.S. Postal Service. These firms have access to the change of address data given to the Post Office by people when they move. Details on these services and the firms licensed to provide these services can be found on the USPS website. In addition to updating the addresses, these services code addresses into zip + 4 or other delivery codes so that courts can take advantage of the reduced mailing rates. The money saved from fewer qualification questionnaires and summonses being returned as undeliverable more than pays for the NCOA costs.

Before the new master list or source list is used to select names of jurors, a number of other edits are often applied. These are referred to as suppression files in that they suppress from selection the names of people with certain characteristics. A common type of

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suppression file is derived from the list of recently deceased persons, which is maintained by the state or local office of vital statistics. Another common suppression file is the names of persons who have served as jurors and are now exempt from service for a specified period of time. Some courts simply remove last year’s jurors from this list. Others update the record of those persons who have previously served with the last service date, which permits a “moving window” of the statutory exemption. Courts should be careful about how this exemption is applied and to whom because the definition of what constitutes “prior service” is sometimes difficult to interpret. Do citizens qualify for the prior service exemption if their names were previously selected, or if they were actually summoned, or if they reported or completed their service by being available, or if they were actually sworn on a jury? To further complicate matters, some states vary the length of the prior exemption on the length or conditions of the prior service.

Another suppression file consists of the names of persons permanently exempt or excused from jury service, typically persons suffering from a terminal illness or who are not capable of serving based on a permanent mental or physical disability. The purpose of these lists is to remove the burden or embarrassment of service from certain persons however, this is also the means by which a person is deprived of the right to be considered. The records should contain annotations of who authorized the exemption and on what basis it was made (e.g., doctor’s certification).

Another source of information by which to update a file are the records of persons previously summoned but whose summonses were returned as undeliverable. Some courts will not summon such people again, while others are very careful not to eliminate anyone without statutory authority. Automated systems should monitor the size and continued validity of suppression files to ensure that the names of persons who are included in a suppression file continue to be excluded from jury service. This can be particularly problematic with suppression files consisting of previously undeliverable summonses because those names can later be selected at a new, valid address but may be mistakenly suppressed based on the previous bad address. This not only effectively disenfranchises those persons from jury service, but also places a disproportionate burden on those individuals who are not included in the suppression files.

This fear of disenfranchising a person and making the jury system subject to challenge leads courts to be extremely cautious about editing lists or even eliminating duplicates. The jury system may be more defensible when such a conservative approach is taken, however, the result is a greater burden of service on some people and increased costs due to higher undeliverable or non-response rates.

**Random Selection**

Until relatively recently, the application of technology to the random selection process merely automated the manual method, which involved selecting every \( n \)th name from the master jury list, where the \( n \) represented the random selection “interval.” For example, if a court needed 1,000 names from a list of 90,000 on the master jury list, court staff would first calculate the interval by dividing 90,000 by 1,000, which results in an interval of 90. They would then choose a number between 1 and 90 (typically by some non-random method) as the starting point and select every 90th name on the list thereafter. If the start number was 47, then the first name selected was 47 and then 137, then 227, and so on throughout the entire list. Random selection by computer simulated this method by generating a sequence of random numbers of some specified number of digits. However, while scientific applications increasingly improved their random number generator programs, those programs that were available to courts on county data processing systems continued to be quite primitive. Where else in government data processing was a random number ever used?

A significant limitation of these more primitive random number generators was that they were not purely random at all, but rather were based on a manipulation of numbers derived from some internal computer number, such as the time of day when the random generator was used based on the computer’s internal clock. This input was called the seed of the generator. The same seed always produced the same sequence of numbers. The sequence of numbers before the >>

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51 Some courts, even those with automation, put the names of all prospective jurors on cards or ballots, placed the cards in a large drum (called the “jury wheel”) and randomized by shaking or turning the drum, similar to a bingo wheel.
sequence “starts over” was called the period of the random number generator. Depending on the length of this period, it was possible to begin selecting the same names from the master jury list after a relatively few number of tries.

To be truly random, however, each number should have the same probability of occurrence every time a random number is generated. Most contemporary random number generator methods are non-repeating - that is, once a number is selected, it will not be selected again until all numbers have been selected. Thus, if each person on the source list is represented by a unique number, then selecting a random number and then selecting the name that has that number is a perfectly good method of random selection. It is the technological analog of reaching into the rotated barrel and selecting a ballot, then reaching in again until all of the ballots have been selected.

Ironically, when the random selection process is functioning appropriately, many courts begin to question the randomness of their selection system, particularly when some people complain of being summoned every year while others are seldom called or perhaps have never been called. With reduced terms of jury service, such as one day/one trial, larger proportions of the list are selected, and the probability of being selected several years in a row increases. Table 2.3 provides a simple illustration of this. If a court requires that half of the source list be selected each year, and if everyone is eligible every year, then after 5 years, 3% of the persons will have been called every year and 3% will never have been called. This is simply the expected statistical result of repeated random draws.

<table>
<thead>
<tr>
<th>Year 1</th>
<th>50% selected</th>
<th>50% not selected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 2</td>
<td>25% selected both years</td>
<td>50% selected 1 of 2 years</td>
</tr>
<tr>
<td>Year 3</td>
<td>12.5% selected 3 years</td>
<td>37.5% selected 2 of 3 years</td>
</tr>
<tr>
<td>Year 4</td>
<td>6.25% selected 4 years</td>
<td>25% selected 3 of 4 years</td>
</tr>
<tr>
<td>Year 5</td>
<td>3.125% selected 5 years</td>
<td>15.625% selected 4 of 5 years</td>
</tr>
</tbody>
</table>

*Based on an annual selection of 50% of the names each year and no names being withheld from the selection.

Unfortunately, problems have been found in the random selection. Statistical tests which can be run on the output of the random number generator are available. A highly regarded set of these are known as the “Diehard Tests” developed by Professor George Marsaglia of Florida State University. They are in the public domain and can be downloaded with instructions from the Internet. Running these tests requires some knowledge of statistics and obviously familiarity with the computer system that runs the tests.

There are some very simple tests of the results of the selection which can be used to indicate problems. If an

52 See http://stat.fsu.edu/~geo/diehard.html.
alphabetical list of the names selected is available, then the end of the list should have persons with last names beginning with “Z” (assuming, of course, that the source list contained people with last names beginning with Z). The middle of this alphabetical list (that is, half way down the list) should have persons with last names beginning with K. The end of the list should be examined for names that cannot be alphabetized (e.g., those with no last name or with garbled spellings including number and other non-alphabetic characters).

If the distribution of the source list from which the names were randomly selected can be sorted by zip code, then the proportion of names selected in each zip code should mirror the proportion of the source list in each zip code.

Randomness problems are seldom due to the random number generator but are the result of the way the random numbers are applied. These simple tests are tests of the random selection as well as the application of those random numbers. More common problems occur when random number generators are not available and courts rely on inappropriate randomization techniques. For example, scrambling the name and address of the person and then sorting on the “scrambled code names” has been used and can produce some strange results. Letters or digits that appear to be random (e.g., a reversed zip code or Social Security number, the middle letter of a person’s last name) can produce non-random results. An automated random number generator is far superior.

The 2000 U.S. Census has provided some new data with which to evaluate the source list, the randomness, and in fact, the whole qualification and summoning process. Census data including the total adult (age 18 and over) population and its demographics can now be obtained by zip code. Because the source list, the names of persons summoned, and persons reporting can all be sorted by zip code, it is now possible to evaluate how well the source list, the summonses, and the resulting pool of persons who report for service reflect the population. The only trick with this analysis is that some zip codes extend beyond the boundaries of the jurisdiction. However, with some work, these can be identified and it can be noted in the analysis as to why these zip codes are underrepresented on the source lists and hence in the number selected and reporting.

**Stratified Selection**

Most courts use random selection methods to draw the names of prospective jurors from the entire source list. However, the source list may not be representative of the population, and the response to the summons may not be uniform across the jurisdiction. As a result, the venire or panels of persons reporting for service may not reflect the population in some cognizable way. That is, the first two requirements of *Duren v. Missouri* may not be met. Methods to address deficiencies in the source list or response rates include adding additional source lists, reducing the term of service, and following up on non-respondents to increase the representativeness of those responding. But what if these efforts do not solve the problem? Some courts use methods that treat the source list not as a single list, but as several lists which are differentiated by race/ethnicity or, more often, zip code or other local designation (e.g., census tract, voting district). Stratified selection involves applying a different random selection ratio to each individual list as a way to compensate for uneven representation or response rates. The strata are the lists or the areas represented by the lists. While well intended, these methods can cause unintended consequences in that the probability of selection (i.e., randomness), now varies by strata. Consequently, these methods need to be carefully considered. If used, the procedures should be very well documented and the results closely monitored.

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53 See http://www.census.gov. From the homepage, select “American Fact Finder” from the left-hand column, then select 2000 Summary File 1 from the list of U.S. Census 2000 datasets, and click on “detailed tables.” Then choose the desired geographic (e.g., county, zip code) and demographic focus (e.g., race/ethnicity).


Random Selection for Multiple Courts

One aspect of random selection which has caused numerous problems over the last several years involves selecting names for multiple courts from the same source list. This often occurs in the process of drawing names for limited jurisdiction courts from a subdivision of the entire jurisdiction.

The first challenge involves correctly locating names on the source list within the relevant subdivision. The voter registration list generally includes this information already, since court districts are usually based on political boundaries such as voting precincts or districts. Lists of licensed drivers, however, may not have this coding available, making it necessary to “geo-code” it before selecting names for limited jurisdiction courts. In any case, it is extremely important that courts do not eliminate or fail to consider a name from the master jury list even if a geo-code cannot be assigned. One jurisdiction made the mistake of removing names without geo-codes from consideration for summoning in both the limited jurisdiction and the general jurisdiction courts, the result being that approximately half the population was eliminated from the jury process.

The second critical issue is that courts that select names for limited as well as general jurisdiction courts should always draw the names for the general jurisdiction court first, before drawing the names for the limited jurisdiction courts. In many systems, names are drawn whenever the courts need names, with little consideration for the sequence or the problems that can occur, as one Michigan county discovered. This county had three limited jurisdiction courts and one general jurisdiction court. The four courts estimated their annual need, and the Automation Services Department selected names from the master jury list equal to the sum of the needs of the four courts. The selection process randomized the list and in random sequence assigned persons to the limited jurisdiction courts first. When the needs of the limited jurisdiction courts were met, the remaining names were assigned to the general jurisdiction court under the reasoning that anyone could serve in that court. As it turned out, one of the limited jurisdiction courts in that county actually used all the available names assigned to it, thus keeping those names from being available for service in the general jurisdiction court. No one from that area of the county, which coincidently encompassed the county’s only metropolitan area and which had the largest proportion of minority residents, was available for the general jurisdiction court. The correct method would have been to select all the names for the year for the general jurisdiction court and then select the names for the limited jurisdiction courts.

Selection for Multiple General Jurisdiction Courts

The introduction of an additional general jurisdiction court site into a jurisdiction can also cause random selection problems. If the sites are geographically close, then randomly assigning persons to any site once they have been selected from the general population presents no problems. However, if the two sites are a long distance apart, then assigning a person to either site, while optimum for purposes of randomness and fair cross-section, could result in citizens being asked to travel to a site more distant than another court site. This is not only an inconvenience to the citizen, but also tends to undermine the principal reason for creating an additional site within the jurisdiction, which is to better serve the population. Why should jurors, who are part of the population served by the court, be asked to bear the inconvenience of serving in a more remote location?

When faced with this multi-site situation, state and federal courts have usually divided the jurisdictions into sub-jurisdictions. The federal District Court of Arizona is divided into three divisions, and persons serve in the court that serves their jurisdiction or division. In

56 Many geo-coding systems or software packages are available as a legacy from the implementation of the 911 emergency call system. The software packages are often updated regularly as areas of the jurisdiction are developed or as streets are renamed.
57 They did not use the entire list due to hardware and processing time considerations.
58 The jury system was challenged, and the case eventually went to the Michigan Court of Appeals, where the defendants were granted a new trial. Michigan v. Hubbard, 552 N.W. 2d 593 (Mich. Ct. App. 1996).
59 In fact, citizens access the courts more often as jurors than as litigants or as any other type of court user. If convenience is the reason for developing additional court sites, then it would follow that the convenience of jurors should be a primary concern.
60 Court locations include Phoenix, Prescott, and Tucson.
many California state courts, the division of the counties is set by the previous municipal court boundaries.\textsuperscript{61} In other California courts, natural geographic boundaries are chosen, such as the mountain range that divides El Dorado County or the valley in Riverside County. In Cook County, Illinois (Chicago), Roosevelt Road, a major road that runs east to west through the city, is the accepted boundary; centrally located courts draw countywide, while courts in the northern or southern sections of Chicago draw from only their side of Roosevelt Road. The probability of selection of citizens in these sub-jurisdictional areas can vary depending on the needs of the courts for jurors. Unless the courts need jurors in the same proportion as there are potential jurors in the districts, the probability of being selected for jury service varies across the jurisdictions.

The method used in Los Angeles County allocates persons selected randomly countywide to the court nearest their home, but subject to the needs of each court. This allocation method is necessary, since the 39 court locations are not logically located among the population centers. The demographic characteristics of persons serving in each location are representative of that community but not of the county as a whole. That is, Santa Monica jurors tend to come from the area near that courthouse and are different demographically from those serving in the downtown courts or in many other sites. In a county the size of Los Angeles, expecting citizens to serve in any or all courts is unrealistic. California case law recognizes this by requiring demographics to apply at the Superior Court District level, not the county level.\textsuperscript{62} This requirement is met in the 39 courthouses in the 12 Districts.\textsuperscript{63}

Maricopa County, Arizona (Phoenix), used 2000 Census data to evaluate several models of allocating jurors between the county’s two court locations.\textsuperscript{64} Court officials were interested in maintaining a countywide random selection process that would also minimize the inconvenience to citizens of driving long distances to the court. The problem that they encountered can be seen in the following table.

Sixty-four percent of the adult population in Maricopa County lives closest to the downtown location, but this court site needs 83\% of the jurors summoned in a year. Assigning citizens to the court nearest their homes would result either in citizens near the Mesa court location serving less often than citizens in other parts of the county, thus violating principles of random selection, or in large numbers of citizens who live nearest the Mesa courthouse being assigned to the downtown facility. In fact, a person living across the street from the Mesa courthouse would almost always be summoned to serve downtown because so many people in that corner of the county are closer to Mesa than to downtown.

Several models were developed to better understand the other options available. The optimum solution in terms of minimizing travel distance is the “southeast

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|}
\hline
Courthouse & Population Nearest Courthouse & Jurors Needed at Courthouse \\
\hline
Downtown & 64\% & 83\% \\
Mesa & 36\% & 17\% \\
\hline
Total & 100\% & 100\% \\
\hline
\end{tabular}
\caption{Maricopa County}
\end{table}

\textsuperscript{61} All of the municipal courts in California were unified with the Superior Courts, effective February 2001.

\textsuperscript{62} Williams v. Superior Court of Los Angeles County, 49 Cal. 3d 736 (1989).

\textsuperscript{63} Because the area from which jurors are selected is represented by a circle around each court location, this allocation method is referred to as the “bulls-eye method.”

\textsuperscript{64} These courts were located in downtown Phoenix and in the city of Mesa. A third location was added in 2002.
corner” model described above, which is not easily understood or logical at first glance. An alternative model was one in which some percentage of citizens living closer to the Mesa facility would be assigned to the downtown facility and vice versa. This mixing of the two groups results in an increased convenience for some of the people summoned. However, the actual percentage to be “mixed” is arbitrary, within limits, just as municipal, geographic or street boundaries can be arbitrary. Unfortunately, there is little guidance in case law or elsewhere that discusses how to balance the competing factors of inconvenience and cross-section.

The method that was ultimately selected by the Maricopa County Superior Court seems to be a reasonable compromise. Every time names are drawn for summonses, 5% of the people who live closest to the downtown court will be asked to report to Mesa and 68% of the people who are closest to the Mesa location will be asked to report to the downtown courthouse. This maintains an equal probability of selection for all qualified Maricopa County residents and on average 70% of those selected will be asked to report to the courthouse closest to their residence.
Qualification and summoning can be carried out as either a two-step or as a combined one-step process. Under a two-step process, a qualification questionnaire is sent to the name drawn from the source list. The result of this process can be a qualified person; a person disqualified, excused, or exempt; a person who cannot be found; or a person who does not respond. Those qualified are then summoned to serve as needed. The one-step process combines these separate steps by sending both the qualification questionnaire and the summonses for a certain date in the same mailing. All persons receiving the summonses are instructed to return the qualification questionnaire before the service date. Based on their answers to the qualification questionnaire, they may be disqualified, exempt, or excused, in which case they will be instructed not to report on the summons date. All others should report as instructed. This portion of the jury process is the most paper- and labor-intensive and is usually automated.

The qualification and summons forms, whether combined or separate, can be a complex form which both solicits and provides information to the person selected. This is illustrated in Figures 1a and 1b for the summons used in New York County, New York.

The four-part form is printed, folded and sealed, and includes:

1. Summons to serve.
2. Juror badge.
3. Proof of Service, which is signed upon completion of service.
4. A map with subway and bus information.
5. A ballot which can be used in the courtroom and voir dire for selection.
6. Information on requesting postponements, being excused, how the call-in process is used, and the rights of the juror as to employment.
7. Voir dire information.

Nothing is returned to the court if the juror will be reporting. The juror is expected to call in prior to reporting to get final instructions as to whether or not to report.

In many courts the prospective juror returns a portion of the summons or questionnaire. The amount of information which the courts input to the jury automation system varies in amount and method. Simple inputs can be handled using bar code technology.

Bar codes have been used in the jury system for years, but the development of the laser printer has made it simpler and less expensive. Forms returned by jurors are scanned manually and entered one by one with a second bar code indicating the juror classification (eligible, excused, undeliverable, etc.), or the forms are accumulated by classification and the data are entered quickly using a batch entry mode.

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65 See generally JURY SYSTEM MANAGEMENT, supra note 15, at 21-52 (discussing one-step and two-step systems).
66 New York State employs a two-step process.
67 These ballots are arranged on a larger board which is passed between the attorneys when the peremptory challenges are exercised.
68 Pre-printed bar codes used with impact printers presented many complexities, which are now gone thanks to laser or even inkjet printing technologies.
Figure 1a
REQUESTING YOUR FIRST POSTPONEMENT
REQUEST FOR EXCUSE OR POSTPONEMENT MUST BE MADE BEFORE YOUR DATE OF SERVICE.

You can automatically apply for your first postponement by mail or by phone to a date between 2 and 6 months from the date on your summons.

You must submit your request before your scheduled date of service by calling 741-5800 (24 hour number).

In order to process your request you must enter your 9-digit juror index number located on the top of your summons, followed by the date that you wish to start your jury service. Enter the 2-digit month followed by the 2-digit day.

Notes:
- If the date you requested is not available, you will be given the next closest court date.
- If you have been previously postponed or absent, any request made through this system will be NOT considered.

ALL SUBSEQUENT REQUESTS FOR EXCUSE OR POSTPONEMENT OTHER THAN MEDIATION MUST BE MADE IN PERSON PRIOR TO YOUR DATE OF SERVICE.

PLEASE COMPLETE THIS INFORMATION IN INK PRIOR TO YOUR APPEARANCE

NAME: ____________________________
ADDRESS: ____________________________
ZIP: ____________________________
PHONE: ____________________________
OCCUPATION/TITLE: ____________________________
EMPLOYER'S NAME: ____________________________
EMPLOYER'S ADDRESS: ____________________________
ZIP: ____________________________
BUSINESS PHONE: ____________________________

Does your employer pay you while you are on jury service? 
YES ___ NO ___

Does your employer have more than 10 employees, including you? 
YES ___ NO ___

Employment Status:
(G, Full Time, Part Time, Per Diem, Temporary, On Commission, etc.)
Social Security No: ____________________________
Date of Birth: ____________________________

Signature: ____________________________
(This statement dated and signed under penalty of perjury, Article 230, Penal Law)

DO NOT SEPARATE PARTS - BRING ENTIRE SUMMONS WITH YOU.

IF YOU HAVE A DISABILITY AND ARE IN NEED OF SPECIAL ACCOMMODATIONS, PLEASE CALL (812) 374-8883 UPON RECEIPT OF THIS NOTICE.

NEW YORK STATE LAW HAS REPEALED ALL EXEMPTIONS AND DISQUALIFICATIONS FROM JURY SERVICE EFFECTIVE JANUARY 1, 1996.

You are expected to serve on one trial - if you are not selected for a trial you will usually be released after 2 or 3 days.

POSTPONEMENTS AND EXCUSALS

If requesting a first postponement, see instructions Top Right panel. Any subsequent applications for postponements and excusals must be made PRIOR to your date of service. Your jury summons (with Back portion completed) must be sent with any correspondence by mail in order to be considered. If a postponement of jury service to a fixed date is not applicable, an excusal (if granted) will be for a 2-year period. After this excusal period, you will become eligible for requalification as a juror.

MEDICAL: An application for postponement or excusal may be granted if you are challenged by a mental or physical condition which renders you incapable of performing jury service. To apply for such postponement, you must provide a signed statement by a licensed physician, psychiatrist or psychologist setting forth ALL of the following.

1. A diagnosis of the mental or physical condition.
2. A prognosis of the length of time the mental or physical condition is expected to continue.
3. A conclusion that the applicant is not capable of performing jury duty.
4. The age of the applicant.

FINANCIAL HARDSHIP (a personal appearance is required): An application for excusal may be granted if you can prove that jury service will cause a financial hardship which will significantly compromise your ability to support yourself, or your dependents. Please find below:

1. All current tax forms showing your financial status.
2. Documentation showing present employment status (wages, hours, etc.).
3. Any document showing your inability to provide support for you or your family as a result of jury service.

CAREGIVERS (a personal appearance is required): An application for postponement or excusal may be granted to caregivers if your personal care and attention are required during the time you may be summoned to serve. Consideration will be given to jurors who offer proof that they have no access to alternative care or that the special needs of the care recipient require the applicant’s personal care. Please bring the following:

1. Copy of birth certificate of the minor child under the age of 16 (if applicable).
2. Documentation verifying employment of the applicant, including hours worked.
3. Doctor’s note detailing patient’s diagnosis and verification of caregiver’s services (if caregiving for a patient).

Right of Juror To Be Absent From Employment (Indigent Law, Article 16, § 519): Any person who is summoned to serve as a juror under the provisions of this article and who subject to, her employer to that effect prior to the commencement of the term of service shall not, on account of absence from employment by reason of such jury service, subject to be discharged or penal, on employer may, however, withhold wages of any such employer serving as a juror during the period of such service, provided that an employer who employs more than ten employers shall not withhold the first forty dollars of such jurors’ daily wages during the first three days of jury service. Withholding of wages in accordance with this section shall not be deemed a penalty. Violation of this section shall constitute a criminal contempt of court punishable pursuant to section seven hundred fifty of this chapter.

UNLESS YOU HEAR OTHERWISE, YOUR REQUEST FOR POSTPONEMENT OR EXCUSE WILL BE GRANTED.

Figure 1b
Some courts still enter biographical data manually, although alternatives to manual data entry include:

1. Copying the biographical data forms. If the information is not to be compiled for analysis, the need for computer input is questionable, and copying may be adequate, quicker, and far less expensive;

2. Having jurors complete a form which provides several copies for the parties and the judge using NCR forms (no carbon required);\textsuperscript{69}

3. Electronically scanning biographical data when jurors report for service and using optical character reader technology to prepare juror biographical forms;

4. Having jurors enter data using IVR technology; or

5. Having jurors complete the questionnaire online using e-mail or web technologies.

The last three of these will be discussed in the sections that follow. As discussed in Chapter 2, privacy implications are particularly important in this personal data intensive process. To illustrate this, consider the variation in how different courts use photocopying technology (#1 above). In some courts, the qualification questions are copied and available in notebooks in the courtrooms or from the jury office. The jury office in some jurisdictions provides copies to the lawyers or to self-represented (pro se) litigants. Other courts copy the biographical information, deliver it to the courtroom for jury selection, collect it after jury selection is complete, and destroy all the copies, keeping only the originals in the jury office, which are released only by permission of the court.

**Data Entry of Qualification Information**

Machine scanning of forms consists of either determining the presence or absence of a mark (a binary decision) or the more complex technology of reading the text using character recognition technology. Both of these are discussed below.

The federal courts usually use a two-step process, and most of the federal courts use the same qualification form, which is adapted to each district's excusal policy. See Figure 2a and 2b.

\textsuperscript{69} JURY SYSTEM MANAGEMENT, supra note 15, at 108.
**United States District Court**

**JUROR QUALIFICATION QUESTIONNAIRE**

FILL IN COMPLETELY YOUR RESPONSE TO EACH QUESTION.

1. ARE YOU A CITIZEN OF THE UNITED STATES?  YES NO

2. ARE YOU 18 YEARS OF AGE OR OLDER?  YES NO

3. HAS YOUR PRIMARY RESIDENCE FOR THE PAST YEAR BEEN IN THIS STATE?  YES NO

4. DO YOU READ, WRITE, SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE?  YES NO

5. ARE THERE ANY CHARGES NOW PENDING AGAINST YOU FOR A VIOLATION OF STATE OR FEDERAL LAW PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR?  YES NO

6. HAVE YOU EVER BEEN CONVICTED, EITHER BY YOUR GUILTY OR NOLO CONTENDERE PLEA OR BY A COURT OR JURY TRIAL, OF A STATE OR FEDERAL CRIME FOR WHICH PUNISHMENT COULD HAVE BEEN MORE THAN ONE YEAR IN PRISON?  YES NO

7. IF YES, WERE YOUR CIVIL RIGHTS RESTORED? IF YES, EXPLAIN ON THE REVERSE SIDE.  YES NO

8. DO YOU HAVE ANY PHYSICAL OR MENTAL DISABILITY THAT WOULD INTERFERE WITH OR PREVENT YOU FROM SERVING AS A JUROR IF YES, PLEASE SEE NOTES TO QUESTION 6 ON REVERSE SIDE.  YES NO

9. ARE YOU EMPLOYED ON A FULL TIME BASIS AS A PUBLIC OFFICIAL OF THE UNITED STATES, STATE, OR LOCAL GOVERNMENT WHO IS ELECTED TO PUBLIC OFFICE OR DIRECTLY APPOINTED BY ONE ELECTED TO OFFICE?  YES NO

10. ARE YOU A MEMBER OF ANY GOVERNMENTAL POLICE OR REGULAR FIRE DEPT. (NOT INCLUDING VOLUNTEER OR NON-GOVERNMENTAL DEPARTMENTS)?  YES NO

11. ARE YOU A MEMBER IN ACTIVE SERVICE OF THE ARMED FORCES OF THE UNITED STATES?  YES NO

12. RACE

   - BLACK
   - ASIAN
   - NATIVE AMERICAN
   - INDIAN

13. OCCUPATION (See reverse side)

14. EDUCATION

   - HIGH SCHOOL
   - TRADE/VOCATIONAL SCHOOL

15. GROUNDS FOR REQUESTING EXCUSE

   THIS SECTION DESCRIBES CERTAIN CATEGORIES OF PERSONS WHO MAY BE EXCUSED FROM SERVICE AS A JUROR. IF YOU ARE A PERSON IN ONE OF THESE CATEGORIES AND YOU WISH TO BE EXCUSED, FILL IN COMPLETELY THE CIRCLE FOR THE NUMBER OF YOUR CATEGORY HERE.

   OR, IF YOU WISH TO SERVE, DO NOT SHOW ANYTHING HERE. PERSONS SHOWING A CATEGORY OF EXCUSE WHICH REQUIRES MORE INFORMATION MUST GIVE IT ON THE OTHER SIDE UNDER 'REMARKS'.

   1. ○ 2. ○ 3. ○ 4. ○ 5. ○ 6. ○ 7. ○ 8. ○ 9. ○

16. I DECLARE UNDER PENALTY OF PERJURY THAT ALL ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

   - Single
   - Married
   - Widowed
   - Separated or Divorced

   SOCIAL SECURITY NUMBER

   DATE

*Figure 2a*
UNITED STATES DISTRICT COURT

Dear Prospective Juror:

Your name has been drawn by random selection, and you are being considered for jury service in the United States District Court. Trial by jury is a keystone of our system of justice. Jury service is, therefore, both an opportunity and an obligation of every American. Jurors will receive mileage and, unless they are federal government employees, an attendance fee for each day of service.

In order for us to obtain some information about you from which we can objectively determine whether you are qualified to serve pursuant to federal law, please complete the questionnaire on the reverse side of this form. You must answer every question, with a number 2 pencil, sign, date, and return the form in the enclosed postage-free envelope within ten days.

If you are unable to fill out this form, someone else may do it for you provided that person indicates in the Remarks section why it was necessary for him or her to do so instead of you.

If you do not return this questionnaire form, fully completed, within ten days you are liable to be summoned to report at your expense for completion of the questionnaire at this office.

Do not attach anything to this form. Please write your comments on the Remarks section. Do not ask to be excused by telephone.

If your address changes after you have returned this questionnaire, please notify us promptly by letter or post card, addressing it to "Attention: Jury Administrator".

CLERK, UNITED STATES DISTRICT COURT

* Privacy Act Statement: Your social security number is requested on a voluntary basis under authority of sections 6011 and 6109 of the Internal Revenue Code. If you earn more than $600 in compensation as a juror, the court must inform the Internal Revenue Service using your social security number, and it is helpful to get your number now. Failure to provide your social security number at this time will not disqualify you from serving as a juror, but it may delay jury service payments to which you become entitled.

REMARKS

USE SPACE BELOW TO COMPLETE ANY ANSWERS TO QUESTIONNAIRE WHICH REQUIRE MORE INFORMATION OR MORE SPACE. SHOW THE NUMBER(S) OF QUESTIONS TO WHICH YOU ARE FURTHER RESPONDING.

NOTES REGARDING THE QUALIFICATION FORM

Question 3 - RESIDENCE. If you answered "NO" that your primary residence was not in the same state or county for the past year, name the other states and counties of permanent residence, and give dates.

Question 5 and 6 - CRIMINAL RECORD. If your answer to either question 5 or 6 is "YES", please show under Remarks: (a) date of the offense, (b) date of the conviction (or date of pending charge), (c) nature of the offense, (d) the sentence imposed (if a conviction), and (e) the name of the court. One is disqualified from jury service only for criminal offenses punishable by imprisonment for more than one year, but it is the maximum penalty, and not the actual sentence, which controls.

Question 8 - YOUR HEALTH. If you claim a mental or physical disability, please explain and/or enclose proof of it in a separate document. Do not attach anything to the form.

NOTE - Do not ask the court to call your doctor. Any doctor's statement you obtain regarding your physical condition must be sent to the court by you rather than by the doctor. If you have a physical handicap or disability that would affect, but not prevent, your serving as a juror, and you are willing to serve if reasonable accommodation can be provided, please advise and explain by enclosing a separate unattached letter.

Question 10 - RACE. Federal law requires you as a prospective juror to indicate your race. This answer is required solely to avoid discrimination in jury selection and has absolutely no bearing on qualifications for jury service. By answering this question you help the federal court check and observe the juror selection process so that discrimination cannot occur. In this way, the federal court can fulfill the policy of the United States, which is to provide jurors who are randomly selected from a fair cross section of the community.

Question 13 - OCCUPATION. Federal law requires you to answer the questions about your occupation so that the Federal Courts may determine promptly whether you fall within an exempt or exemption category (See Questions 9 and 15).

Question 15 - GROUNDS FOR EXCUSE. If one of the categories listed in Question 14 applies to you and you wish to be excused for that reason, put a circle for your category or Question 15. Please make sure you also give, under Remarks, such information as may be requested within the excuse category. Other persons may be excused only by showing jury service would cause them undue hardship or extreme inconvenience. If a request to be excused must be in writing. Do not ask to be excused by telephone.

Box Number 16 - YOUR SIGNATURE. Be sure you have signed the form. If another person aids or helps you fill out this questionnaire for you, that person must indicate his or her name, address and reason why under Remarks.

CUSTOM FORM NO. F-11907 - OMNI-L PC2 2503-272-8 4-52

Figure 2b
Prospective jurors mark the appropriate boxes to answer the questions. Some information, such as phone numbers and Social Security numbers, are only for reference and are not read. Staff review the forms before scanning and enter the qualification status on the form. Alternatively, the status can be determined by the computer that processes the jurors’ responses. Forms requiring manual data input, such as name changes, address changes or forms with attachments such as doctor’s notes, are separated from those to be scanned.

When scanners were first used in the federal courts, a series of tests and site visits were conducted. Scanning in the federal courts is usually done only a couple of times per year. The scanner sits idle for months between use and then is used heavily for perhaps a day or two. Because of the mechanical nature of the scanner and the tolerances needed in the orientation of the forms, infrequent use creates difficulties in the scanning technology. A recent installation of the same scanner in Maricopa County, Arizona (Phoenix), which is used daily for runs of several hundred forms is a better application of the technology.

In the federal courts, the scanner is connected to the jury automation system, and the data are entered into the juror’s record. As usually configured, the scanner’s outbins are:

1. Person is qualified; form could be read; and data was sent to the computer.

2. Responses indicate attention is required but form was read. There could be inconsistencies or supporting data are needed.

3. Form could not be read.

To date, 80% to 85% of the forms are readable by the scanner. However, the forms need to be pressed if they are received folded, because creases across any of the “read areas” affect the ability of the scanner to read the marks.

If this type of scanner is used, courts should be prepared to spend time preparing the forms and “tuning up” the scanner, a labor and time commitment that may be worthwhile if the court expects to scan several hundred forms per day. Otherwise, the application appears to be best suited to larger courts or facilities that provide services to many courts. They have the needed staff available and volume to justify the time and expense required to support this technology.

The Superior Court of Orange County, California, has used a character recognition scanner for many years with excellent success. The unit scans the returned questionnaires and stores the image and the data read from the form. To address character recognition problems, an operator is shown the scanned image on the screen before the data are permanently recorded, and the cursor indicates fields that could not be read. The operator then enters the correct character, if it can be determined, and the cursor jumps to the next field or the next form. Operators generally can process about 500 forms each day. The form is quite complex and manual data entry would require much more time. The software is programmed to read each field to a given confidence level. For instance, a high confidence level would be required for age but not for profession or other biographical data. The software, scanner and interface cost approximately $70,000. The Massachusetts statewide jury system is also using character recognition technology to input juror data. The staff optically scan approximately 5,000 forms per day.

**Outsourcing the Scanning of Questionnaires**

The First Circuit Court of Hawaii (Honolulu) outsources the scanning process. The state merges the source lists, which it then sends to a vendor. The court periodically requests that the vendor randomly select a given number of names and prepare and send qualification questionnaires. The questionnaires are returned to the vendor, who scans and screens them based on the criteria established by the court. The vendor provides a CD to the court with the names of those qualified. An image of the questionnaires for those qualified is also provided on the CD. Any questionnaire that is unclear as to the qualification of the

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70 The visits were documented by Ms. Elizabeth Paret, Clerk, United States District Court for the Eastern District of Virginia while she was a member of the JMS Work Group sponsored by the Administrative Office of the United States Courts. The use of this data is appreciated. The conclusions given in this report are those of the authors of this report, not Ms. Paret. The scanners used were manufactured by Scanntron and installed with the federal courts jury automation package.
The Promise and Challenges of Jury System Technology

A juror is sent to the court for a determination. All of the forms and an index are provided to the court so that all returned questionnaires can be easily found should a question arise. The vendor also prepares and mails the summonses as requested by the court.

Remote Input of Data - Security Implications

The use of Interactive Voice Response (IVR) and the Internet to input data present a significant advance. With these technologies, the juror communicates directly with the jury system and accesses the jury database.

Some early applications, such as that used in Cobb County, Georgia, had jurors create an e-mail message for the system operator consisting of a completed questionnaire or, in New York, a request for a new reporting date. The operator then processes the request or transfers the data. More recent applications do not have this “staff firewall.” All interactions are based on juror ID numbers and passwords. The juror receives notification in the mail of the needed security information for access to the web or IVR interface.

An Internet hoax in early 2002 illustrated the need for positive notification. A website that provided humorous greeting cards had one that looked like a summons. To introduce a new cable TV show, the producers paid the greeting card web provider to send a summons to several million randomly selected e-mail addresses. Many people took the summonses seriously and reported to or called the courts.

Direct Input of Qualification Data via IVR

IVR systems are used in the jury system just as they are in so many other systems. IVR systems perform a number of functions for the jury system, the first of which is qualification. Prospective jurors use the telephone touchpad to confirm citizenship, residency, age, prior felony conviction status and English fluency. Jurors communicate directly with the jury system, eliminating the need to submit the paper qualification questionnaire by mail.

Another application of an IVR system replaces the general call-in message, telling the juror whether to report or not. In most jurisdictions this is usually a single message that all jurors hear. With the IVR system, it is possible to tailor the message to the specific juror. In addition, it is possible to use the IVR system to give the jurors the status of their requests to be excused, disqualified, or scheduled for another date for service. Jurors appreciate the convenience.

In Los Angeles an extensive IVR system is used. All jurors must use the “telephone registration system,” as it is called there. The summons is shown in Figure 3 (which, for the sake of reproduction, is shown on several pages). The form is printed in several colors to help the prospective juror navigate the various sections. The prospective juror is asked to complete the form and then call the telephone registration system.

Contact: Ms. Freida Baker, Jury Administrator, at (808) 539-4361.

In both the New York and Cobb County implementations, this simple approach was selected because of the reduced implementation time and lower cost.

In Maricopa County, the juror’s birth date is used as the password.

This has been done in Mecklenburg County (Charlotte), N.C., for several years.
SECURITY MEASURES: Sharp pointed objects, pen-knives of any size, protection sprays of any kind, wallet chains, etc. are not permitted in the courthouse. Please leave these items in your car or at home.

You are hereby summoned by the Superior Court of Los Angeles County for service as a trial juror at:

You will be “on call” and you must be available to start Jury Duty any day during the week of:

Even if you cannot serve, you are required to REGISTER WITHIN 5 DAYS of receipt of this form. Use the automated telephone systems to complete the qualifications and registration process. Everyone must complete the Affidavit “Green Section” to the right. Follow Steps 1, 2, & 3.

PARKING INFORMATION - Special Instructions

ON-CALL Phone Number

YOU MUST REPORT TO YOUR PLACE OF EMPLOYMENT unless your GROUP NO. HAS BEEN INSTRUCTED TO REPORT FOR SERVICE.

COURT LOCATION GROUP NO.

SECURITY MEASURES: Sharp pointed objects, pen-knives of any size, protection sprays of any kind, wallet chain, etc. are not permitted in the courthouse. Leave these items in your car or at home.

Figure 3a
START HERE - Everyone must complete the “Green” section, even if you cannot “serve”. Follow Steps 1, 2 & 3.

STEP 1 - Answer the following questions by completely filling-in appropriate blue boxes. Use black ink pens. (Example )

1. I am a citizen of the United States ..................................................
   If NO, I am a citizen of: ___________________________________________
   Alien Reg. #: ___________________________________________________

2. I am able to read and understand English ....................................
   If NO, my native language is: _____________________________________

3. I am a resident of the County of Los Angeles (If NO, see Section “F”).

4. I am at least 18 years of age. ...........................................................

5. I am now serving as a Grand Juror in a court of this state ...............

6. I have been convicted of a felony ....................................................

7. If YES to question 6, my rights have been restored by a Pardon .......

8. I am under court appointed conservatorship ..................................

9. I am a peace officer appointed under PC 830.1 or 830.2(a) .............

STEP 2 - Sign, date and complete the following information.
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. (CCP Sec. 2015.5 (b))

ADRESSEE / POTENTIAL JUROR SIGNATURE DATE

X

AGE OCCUPATION

Check here if NAME and/or ADDRESS CHANGE

Legal Documentation is required as proof of Name Change.
Record any change of address in Section F.

STEP 3 - Mandatory telephone registration and qualification. Even if you cannot “serve”, you must register by telephone.

From a touch-tone phone, call:
1-800-778-5879 (1-800-SRV-JURY)
Hearing Impaired Phone (TTY No. 1-888-354-0441)
(Only for persons using Dialogue Text Telephone)

Our phone system will guide you through the process to register & qualify for Jury Service. Please follow the phone instructions carefully.

NOTE - You must register by telephone or you cannot request a Postponement, Transfer, or Excuse from Jury Service.
Figure 3c
**Figure 3d**

**"IN-SERVICE" JUROR INFORMATION**

- Check here if your name or address has changed. Please notify the Jury Assembly Room Staff.

<table>
<thead>
<tr>
<th>JUROR NAME:</th>
<th>DAYTIME TELEPHONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOME TELEPHONE:</td>
<td>( )</td>
</tr>
</tbody>
</table>

**EMPLOYMENT INFORMATION**

- My occupation:
  - Student
  - Retired
  - Homemaker
  - Unemployed

- I am employed by the County of Los Angeles?
  - YES
  - NO

- Employer:
  - Employer Address:
  - City
  - State
  - Zip

- My employer pays for _______ days of jury service

**EMERGENCY INFORMATION**

- Person to notify in an emergency:
- Relationship:
- Daytime telephone: ( )

---

**"ON-CALL" INSTRUCTIONS**

Please complete the above "In-Service" Juror Information prior to reporting. You are required to telephone the "On-Call" telephone number as instructed (during the week you are Summoned) to determine if you are needed for service.

*NOTE: If you have not yet called the Telephone Center for registration and qualification, then you must return to the front side of this form. Start at the green "Section A - AFFIDAVIT" form. YOU must complete Steps 1, 2, and 3, even if you cannot serve.*

**"ON-CALL" TELEPHONE NUMBER**

Call anytime during the weekend prior to the date you are scheduled to report for service:

1-800-778-5879 (1-800-SRV-JURY)

- Enter the COURT LOCATION NUMBER (from front side) when instructed by recording.
- Write COURT LOCATION NO. here.

- Enter the GROUP NUMBER (from front side) to determine if you need to appear.
- Write GROUP NO. here.

Section 230 of The Labor Code prohibits any employer from discriminating against an employee for taking time off to perform jury duty. Notify your employer immediately of your jury service.
**JUROR INSTRUCTIONS & INFORMATION**

Are you Qualified? You do not need any special skills or legal knowledge to be a juror. You need an open mind and a willingness to make decisions free of personal feelings and biases. California Code of Civil Procedure, Section 191, provides that all citizens are eligible to be prospective trial jurors and that jury service is an obligation of citizenship. All potential jurors are selected at random from lists compiled of registered voters and drivers' DMV identification cards.

Failure to Respond: Any prospective juror who does not respond risks a fine of up to $1,500.00 if found guilty of wilful disregard of this summons. (Code of Civil Procedure, Section 209)

Qualifications: You are qualified for jury duty if you are:

- A U.S. Citizen
- 18 years or older (There is no upper age limit)
- Can read and understand English
- A resident of Los Angeles County
- Have you been convicted of a felony or
- If convicted have had your rights restored
- Not currently serving on a grand or trial jury

Exemption: Code of Civil Procedure, Section 219 states that sworn peace officers as defined in Section 830.1 and 830.2(a) are exempt from jury duty. This is the only exemption allowed by law. No eligible person may be excused from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, sexual orientation, or economic status.

Excuses: You must register by telephone before you can request an excuse. If you would face an extreme hardship, you may request to be excused from jury duty. Please note that the law has changed. All excuses are reviewed carefully and strictly. Please mark the appropriate category on the Excesses portion of this form (other side of document). The following matrix will help you to determine what sections of the Excuses portion you will need to complete.

**Financial Hardship** ... A, C, D & G

Please note that you must show an extreme financial hardship. Being self-employed or if your service as a juror would cause a hardship to your employer, are no longer sufficient reasons to be excused from jury duty. Jury staff will postpone your service to a more convenient time.

**Medical Hardship (under age 70)** A, B, E & G

**Medical Hardship (over age 70)** A, B, D & G

**Other Excuses** ... A, B, D & G

Please note that many requests are not legally sufficient to be excused from jury service, i.e., full time students, teachers, or persons with childcare considerations will be asked to reschedule their service for a more convenient time.

**Moved (no longer resident of LA County)** ... A, F & G

**Deceased** (include copy of Death Certificate) ... F

All excuses must be signed in part G or the court will not consider your excuse and will return your form.

Postponements: If business or personal matters make it impossible to serve on the date you are summoned to serve, you may request a postponement of your service. You must first register by telephone before you can request a postponement. Call 1-800-776-5876. Our telephone system will guide you through this process and allow you to postpone for up to 90 days.

**Juror Information**

This section may help you better understand the trial process and what to expect when you serve.

**Jury Pay:** California pays jurors $15.00 per day for the second and subsequent days of service. Jurors are reimbursed 15 cents per mile, per day, one way for jury service. Although this is only a fraction of the cost of each juror’s time, the courts are working with the Legislature to increase juror fees.

**Length of Service:** Los Angeles County has a “One Trial” term of service. This means that a trial juror is placed on call for no more than 5 days and can be asked to report to jury service on one of those days. If the juror is asked to report, the juror may be placed on a jury panel by the end of the business day. If the juror is not placed on a jury panel by the end of the business day, the juror’s service is completed. If the juror is placed on a jury panel, the juror serves until excused by the jury staff or the case is completed.

**Transportation:** All courts provide parking for jurors. Local parking is included in your summons. Jurors may wish to contact local public transportation service providers to address transportation needs.

**Emergency:** Should you encounter an emergency that would cause your absence once your jury service has started, immediately notify the jury staff by calling the Assembly Room telephone number printed on the front side, located just above the “Juror” Badge.

**Security:** When you enter the courthouse, you will go through security measures, similar to airport security. You will go through a metal detector and your handbags, briefcases, backpacks and containers will be x-rayed. These devices are harmless and present no health hazard. Knitting needles, scissors, knives or weapons of any type are not allowed in any court facility. Items deemed a hazard by security officers will be retained at the security center and returned to you when you exit the courthouse. Alcoholic beverages are also prohibited.

**Courtroom Requirements:** Please note that cellular phone use, cameras and tape recorders are not permitted in the courtroom. All beepers must be set in silent mode. Cellular phones may be used in the jury assembly room in designated areas, but must be turned off when entering a courtroom.

**Dress Code:** Casual business attire is suggested. Shorts, tank tops, bare midriffs, or similar dress are not allowed in the courtroom. The temperature in the courtroom can be unpredictable so please dress accordingly. Shoes must be worn at all times, beach sandals or flip-flops are prohibited.

**Trial Process:** As a juror, you will listen to opening statements and closing arguments for both sides. You will also learn about and weigh the evidence that has been collected for the trial. Then you will be asked to make a decision about the case after you have talked it over with the other jurors during deliberations.

During the trial, the judge serves as the court’s presiding officer and as the final authority on the law. The lawyers act as advocates for their sides of the case. As a juror, you are responsible for impartially evaluating the facts presented and for applying the law to the facts as the judge instructs you. These combined efforts bring about the fair and impartial administration of justice in our state and nation.

**How long does a trial take?** The length of trials varies depending on how complete the issues are and how long jurors spend in deliberations. Most trials are completed within a few days or a week. The judge knows how long the trial will take and the judge will tell you the time frame when your group is called for jury selection. Judges know how difficult long trials can be. Let the judge know whether it is a serious hardship for you to sit on a long trial.

**CIVIL GRAND JURY**

**FROM JULY 1ST TO NOVEMBER 1ST YEARLY, THE LOS ANGELES COUNTY SUPERIOR COURT RECRUITS QUALIFIED CITIZENS FOR THE CIVIL GRAND JURY. FOR INFORMATION, WRITE TO:**

**CIVIL GRAND JURY COORDINATOR**

P.O. BOX 68008
LOS ANGELES, CA 90006-0608

**CRIMINAL GRAND JURY**

All potential jurors may be summoned for the Criminal Grand Jury. The Court impanels a criminal grand jury monthly. The criminal grand jury is selected from the petit jury pool and is drawn from a cross-representation of the entire County of Los Angeles. The criminal grand jury serves for 30 calendar days. Based on information presented to it by the District Attorney, the criminal grand jury returns indictments. All questions regarding the criminal grand jury should be directed to:

**GRAND JURY COORDINATOR**

P.O. BOX 68008
LOS ANGELES, CA 90006-0608

Figure 3e
Dear Prospective Trial Juror:

Thank you for taking the time and effort to review this information. The instructions and information provided here will answer the questions most commonly asked by prospective jurors.

You probably have several questions about serving as a trial juror. Your first question may even be “Why do I have to serve?”

Jury duty is a responsibility that all qualified citizens must share. Except as provided by law, there are no exemptions from jury duty. Doctors, lawyers, the clergy, parents, the self-employed, public officials and even judges are eligible to serve as jurors. Jury service may be the most direct, hands-on involvement in government you will ever experience.

If you are qualified and have a legally valid excuse, you may be excused or have your service postponed. If you are not qualified, you are not expected to serve.

In an effort to make jury service easier, several jury system improvements are underway throughout the State. California has adopted a One Trial system where a juror reporting for service is either assigned to a trial during the first day or is dismissed from service for twelve months. The juror per diem fee has been increased to $15 per day for the second and subsequent days of service. While this increase may seem inconsequential, it is the first increase jurors in California have received in 53 years and put simply, it’s a start.

Please take a moment to read the information presented on the page entitled “Juror Instructions & Information. It will make your experience with the jury system much more enjoyable. We look forward to have you serve as a juror and trust your service will be gratifying.

Gloria M. Gomez
Director, Juror Services Division

Formulario Simplificado

Se le ha citado a comparecer para prestar servicio como jurado. Para poder prestar servicio como jurado en el Condado de Los Angeles, usted tiene que llenar determinados requisitos. Repase el formulario entero. Contestar todas las preguntas que se encuentran en la Sección A de color Verde de la Declaración de Jurado. En el periodo de cinco días después de haber recibido este formulario llame al 1-800-778-5879 para determinar si usted llena los requisitos para prestar servicio como jurado. Necesitará teléfono de botones para dar sus respuestas. Contestar cada una de las preguntas y devuelva el formulario de acuerdo con las instrucciones. Usted debe responder y devolver el formulario ya completado, firmado y fechado o se le puede citar a una audiencia ante un juez para explicar por que no ha respondido a este emplazamiento para prestar servicio como jurado. En dicha audiencia se le pueden imponer gravamenes, inclusive una posible multa de un máximo de $1,500.00.
The first message on the telephone registration system is a question about which language (English or Spanish) the juror would prefer to use. See Figure 4. In option 1, the juror is led through the qualification process. The juror can also request a new service date or request to be excused. If the juror is excused or disqualified, he or she still must submit an affidavit, which is the combined qualification and summons. This need for a “paper trail” is a topic still under discussion; the Web-based qualification system in Phoenix does not require supplemental documentation to be returned by people who are excused.

Option 2 replaces the usual “code-a-phone” call in the system. The possible messages vary from reporting times to notification of completion of service. Option 3 permits the jurors to select a reporting date, and option 4 is used to request an excuse or transfer service to a different courthouse. This latter option directs the call to an attendant, who also receives the juror’s record on the system screen. The last option gives general information.

Some IVR systems, notably the Advanced Jury Information System (AJIS) used by the federal courts, includes call-out features, which remind jurors to report if they have not called in for their reporting instructions. The call is made at some appropriate time, which can vary from days before the reporting date to early in the morning on the day they are to report. This reminder call feature is easier and perhaps more effective than the alternative (following up on...)

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Figure 4

JuryPhone Functions

- **JUROR AFFIDAVIT UPDATE (Option 1)**
  - Allows jurors to respond to their affidavit using an easy interview format
  - Automatically provides postponement and transfer options after recording affidavit responses

- **JUROR REPORTING INSTRUCTIONS (Option 2)**
  - Tells jurors when to report for service based on their reporting status in JURY - Next Generation
  - Eliminates the need for jury staff to record reporting instructions on voice mail or an automated attendant system

- **JUROR SCHEDULE CHANGE (Option 3)**
  - Allows jurors to postpone their service according to JURY - Next Gen business rules
  - Lets jurors transfer to other court locations within limits specified in JURY - Next Gen

- **EXCUSE REQUEST (Option 4)**
  - Validates Juror’s ID, retrieves Juror Profile from JURY - Next Generation
  - Transfers Juror to an agent and plays the Juror’s ID to agent before connecting the caller

- **GENERAL INFORMATION (Option 5)**
  - General Jury Service Information (Jury Fees, Types of Service, etc.)
  - Court Location and Directions
  - Court Managers’ Telephone Numbers
  - Court Impanelment Schedule
  - Court Parking Information

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75 Figure courtesy of Integravox. References in the Figure to Jury+ are to software products from Jury Systems, Inc.

76 ©Voicemetrix Corporation.
non-respondents). The out-call feature is also used in jurisdictions with a few jury trials in which jurors are unaware of their next reporting date. Rather than requiring staff to call jurors, the system calls to tell them of their next reporting date. Several federal courts handle all verifications of requests for a new date or excusal via the IVR. They report a great reduction in staff time needed to respond to these calls and a savings of time and postage over the previously used notification letters.

Web-based Jury Communications

The Maricopa County (Phoenix), Arizona, jury web page is possibly the most advanced jury Web application currently in operation.77 The web site is located at www.superiorcourt.maricopa.gov/jury. The following figures based on the screens are probably the best way to illustrate the operation of that system.

On the first screen (Figure 5), the prospective juror is given several options. Only the “if you have been

![Figure 5](image-url)
summoned” option requires identification. The juror can even download a jury newsletter, “Hearsay.”

The “if you have been summoned” choice from the main jury menu brings up the login screen shown in Figure 6, which then opens the juror information screen of Figure 7. From this screen, the juror is given two choices. The first is the “will serve” choice. The prospective juror then must select the qualified/will serve choice as shown in Figure 8. A choice from the juror information screen can also lead to the postponement screen. The postponement screen lets the juror select a new date from the pull-down menu (Figure 9). If the date is an unavailable date (weekend, holiday) or if the date is not within the allowed period, then another date is requested. In Maricopa County, jurors can request a new date as long as the current service date is not within 10 days and the new date is at least 45 and not more than 120 days from the original date. The first postponement is given without question. Further postponements require a letter or call to the court.

For a brief time, the web-based system provided a third option for the “if you have been summoned” choice by permitting citizens to indicate that they were disqualified from serving without having to send formal documentation to the court. Court staff discovered, however, that some prospective jurors who had been unsuccessful in their attempts to be excused from jury service were subsequently “disqualifying” themselves using the web-system. The court returned to the prior procedure of having citizens return the paper summons and qualification questionnaire if they fall under any of the categories for disqualification.

The logout screen appears in Figure 10. The technology of Web-based jury systems is too new to provide information about citizen acceptance. In all Web-based designs, other response options such as mail, direct telephone, or IVR, exist for individuals who lack Internet access or who are less comfortable with it.

Appendix A of this report contains the following from this web site:

- General Information - included are links to maps and public transportation. Of particular interest is the information on waiting, every juror’s greatest complaint.
- Frequently asked questions about jury service.
- A letter to employers about juror pay and statutory provisions for leave.
- Tips for Coping after Jury Duty - a recognition of possible juror stress problems and some ideas.
The Promise and Challenges of Jury System Technology

Figure 7

ONLINE JUROR SYSTEM

- your service is required as a prospective juror by the Maricopa County Superior Court.

Our records indicate you have **deferred your date of service to 06/18/2003**. Please retain your summons noting your new group number. You will not be receiving a new summons on this change unless you postponed for greater than 45 days.

Want to have a look at your juror history?

Figure 8

ONLINE JUROR SYSTEM

**QUALIFY/WILL SERVE**

**Important**

Prospective Jurors are required by law to complete the Juror Affidavit Questionnaire below.

**JUROR AFFIDAVIT QUESTIONNAIRE**

- **Personal Data**
  - Home phone
  - Work phone
  - Birthdate
  - Occupation
  - Employer

- **I am qualified and will report on the date scheduled.**
- **I certify under penalty of perjury that the forgoing is true and correct.**

*Submitting this document online is equivalent to your signature.*

Submit  Cancel
A different approach to Web-based interaction with jurors is used in Sacramento County, California. In that system, juror functions are publicly available, which gives a more open feeling to the website. Only when users (jurors) use a particular function, such as requesting a new service date, is sign-in required. Whether that approach or the “sign in first” approach is more juror friendly is not known.

Both the Maricopa and the Sacramento County websites contain a great deal of court news and juror news that is not exclusively intended for jurors. The websites are intended for all citizens, not just those who have been summoned for jury service. Included on those websites are general information about juries, studies on jury system improvements, reports on the implementation of those improvements, information for employers of jurors, and jury statutes. One suggestion for web designers about the placement of this type of information is important: jury information should be easily identified and accessible directly from the court homepage. People should not have to know whether jury information is located under Court Administration or the Clerk of Court, or under the Superior Court, Circuit Court, or District Court webpages. With more citizens visiting court websites for juror information, courts should not make that information difficult to find.

78 www.saccourts.com/index/jury.asp.

79 Readers should also see the California and New York jury websites.
Reporting and Orientation Technology

Jurors are often shown a videotaped orientation when they first report to the courthouse. In Cobb County, Georgia; Orange County, Florida; and New York, these orientations are available as streaming video via the court’s web site. The Cobb County and Orange County videos are different from their in-court orientation videos insofar as they were developed to focus on juror’s pre-reporting concerns. During the service phase, when jurors are actually in the courthouse serving or perhaps on call waiting to be asked to report, technology is used least (other than the possible use of technology in the courtroom for the presentation of evidence or the use of technology in deliberation).

Juror Facilities

In many courts - far too many, in fact - jury service involves a certain amount of waiting in either the jury assembly room or the juror pool. Jury assembly rooms, therefore, serve several purposes:

1. They provide a place for jurors to gather for orientation and to wait before serving in a court.
2. They facilitate the ability of multiple courts to share prospective jurors. Courts that experience high rates of last-minute settlements or plea agreements benefit from the more efficient use of prospective jurors by sharing this risk that some jurors will not be needed.
3. If jury selection requires the use of everyone on a panel, then additional jurors (a supplemental panel) can be sent to complete jury selection (most panels are larger than needed, however, so this option is seldom used).

Purposes 2 and 3 are discussed in Jury System Management in greater detail. Evaluation of juror utilization should be an integral part of any automated jury management system. Technology can assist the first purpose as well, but jury administrators must recognize that adequate space is the most important component of comfort in the jury assembly room. Inadequate space leads to crowded conditions, which makes waiting more difficult. Designers of assembly rooms often select theatre seating, which gives the greatest seating density but is the least comfortable and the least conducive to movement. Assembly rooms in which the seating is better distributed and arranged in conversational groups is much more comfortable. A compromise is a mix of formats that includes some comfortable seating as well as some theatre seating to accommodate peak demands.

Technology can help to make jurors more comfortable and more productive in their use of this free time. A number of courts have added facilities so jurors can use laptop computers (ranging from study carrels to power and phone lines to connect to their office networks or to an Internet provider.) Some courts have even provided computers with Internet access for jurors to use. In Massachusetts, all new courthouses include...
work areas and data line access for jurors.

Estimates of the number of carrels or phone line access positions needed are difficult to make. The Phoenix Municipal Courts, where the usual attendance is 100 persons, found that twelve carrels were inadequate. In Orange County, California, 24 carrels provided for the typical 500 prospective jurors were more than adequate. Hennepin County (Minneapolis), Minnesota built a Business Center in a portion of its assembly room with workspace and computer hookups as well as copier and fax machines.

Interviews with former jurors make it clear that they want and appreciate choices. They may sit and read for a while, then watch TV for a while, get some refreshments, or work, just as they would at home or at work. Courts should recognize this and provide some variation in the facilities available.

In Delaware County and Philadelphia County, Pennsylvania, jurors are given beepers so that they can go outside the courthouse for some fresh air or even shopping, and then can be recalled using the beeper.

**Court Technologies**

The use of technology in the courtroom is the subject of many papers and conferences. Courthouse 21s and other courtrooms of the future provide examples of this use of technology, the primary purpose of which is to communicate evidence and law to the jury. Providing evidence in a more graphical, easily understood mode is noteworthy, and providing the jury with written materials to use during the trial and deliberation is common in many courts. Display technology can help the jury focus on the same specific materials.

Although not purely technology, a few judges are experimenting with using modern decision-making techniques in the jury deliberation process. Judges in Wisconsin and Michigan are using the work of Dr. Edward DeBono on “parallel thinking” methods to help facilitate juror discussions of the evidence and decisions. The results have been found to be helpful by the jurors there.86

**Jury and Calendar Management**

Jury system automation in the service phase should provide administrative information to the staff on each juror for contact, monitoring and jury management purposes. This information includes:

- The number of persons called to the pool or courthouse and the status of each person (i.e., not used, not rescheduled, selected, challenged);
- The number of persons not called in;
- The size of panels furnished to courtrooms by case;
- The number of jurors needed in the jury selection process by case;
- The number of peremptory challenges exercised by each party;
- The number of days required for selection and trial by case;
- The verdict(s) rendered or trial disposition by case;
- The yield of the summoning and qualification process;
- The impact of follow-up efforts upon the yield or yield by undeliverable rates; and
- The cases for which jurors were brought in, but not used.

These data requirements and the calculation of management parameters are discussed in detail in *Jury System Management*.87

The court in Travis County (Austin), Texas, is continuing to develop a very interesting automated jury system.88 Using call-in and web technologies, the court

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84 Courthouse 21 is a joint project of the College of William & Mary and the National Center for State Courts. See http://www.courthouse21.net.
85 A recent SJI project into the uses of technology in the deliberation process documented some of these technologies and provides guidance for courts. The report is available at http://www.courthouse21.net/SJI/jurytech.html.
86 Materials are available at www.prevail.org/juries.
87 JURY SYSTEM MANAGEMENT, supra note 15 at 77-144.
88 Contact Michelle Brinkman, Jury Administrator, at (512) 854-9581, in the Office of Amelia Rodriguez-Mendoza, District Clerk, Travis County, Texas.
is making a very jury-friendly system, which has generated a great deal of local publicity. Juror reactions have been very favorable. The first improvement replaced the empanelment session with the capacity for jurors to perform this function online.\(^8^9\) All of the pre-service functions, including completion of the questionnaire and resolution of scheduling conflicts, are done via the online system. In the initial jury terms in 2001, over 75% of the jurors used the online system. The term of service is now reduced to one day/one trial, with the jurors on call for only one trial as well.

A more interesting feature of the Travis County system is that most jurors are told to report to a specific courtroom when they call in for reporting information, thereby bypassing the jury assembly room. A system like this can only work if there is a high probability that the case will go to trial. Consequently, the judges are on notice, and calendar management has improved to the point that over 90% of the panels reporting to the courtroom are used in selection. The jury administrator is aware of the needs of other courts so that some reassignment from these panels is possible. Some judges will select several juries from the same panel that reports to the courtroom.\(^9^0\)

Jurors calling in get one of several messages. To the court’s credit, most jurors (65%) are told to report on their first call. That is, the first day they are assigned to call in via the online system. Another 25% are told to call again or that they will not be needed. The last 10% report to the assembly room for assignments to the courts. What makes this such a notable application is that the court took full advantage of the new automated system not just to improve the qualification and summoning process, but also to improve its case management.

### Payment Systems

Most automated jury systems now include the capability to generate juror payments in the form of a check, voucher or cash. There are several benefits to using this capability, both in terms of cost savings for the court as well as increased juror convenience and satisfaction.\(^9^1\) A good system should be programmed with the relevant fee variables needed to calculate juror fees, including payment intervals (daily, half-day, hourly); service variables (reported, selected as juror, served as juror over a specified period of time); and mileage calculations based on zip code or some other geocode. If the calculated amount is incorrect, the system should also allow court staff to override it with the correct amount. Documentation of juror fees paid is then forwarded to the payroll office for record-keeping and possible income tax notification purposes.

In most instances, payment can be generated after the juror completes his or her service, but a well-automated system will also permit juror fees to be paid during service, which is a particularly useful feature for jurors serving on longer trials (e.g., in excess of two weeks). Interim payments can offset out-of-pocket expenses in a timely manner, thus preventing undue financial hardship for these jurors.

Some courts permit jurors to donate their fees to the court or to a specific charity, in which case the fee should be processed through the payroll system and a receipt given to the juror for tax purposes. A well-designed system will also provide enough flexibility for jurors to designate the amount of the donation or the desired charity.

A handful of courts have successfully used kiosk or modified automated teller machine (ATM) technology to facilitate juror payment. Under a grant from the

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\(^8^9\) Empanelment days or sessions, also called “orientation days” or “calendar days,” consist of a period of time in which all jurors report to the courthouse to get “upfront” activities done, including completing forms, letting the court know of scheduling conflicts, attending orientation, and getting ready to be called back as needed over the jury term of court. These sessions were popular in rural courts with long terms of service. Often no jury trials would take place, and this empanelment day was the jurors’ only visit to the county seat. Empanelment days have typically been replaced with mailed qualification questionnaires and telephone communication with jurors to resolve problems. Terms of service have also been reduced.

\(^9^0\) See multiple voir dire and single day empanelment in JURY SYSTEM MANAGEMENT, supra note 15, at 127-29.

\(^9^1\) Because of the number of steps involved in paying jurors through the court or county payroll system (e.g., generating a list of jurors and the fees owed, assigning a unique vendor number), the per unit cost of printing checks sometimes exceeded the actual payment in traditional jury management systems. Moreover, the time lag between the juror’s last day of service and the date the juror received the payment could range from a week to as long as several months, depending on the priority that the payroll office placed on juror remuneration.

Chapter 4
State Justice Institute, the Superior Court of the District of Columbia purchased and modified an ATM to dispense cash to jurors when they completed their service. The juror numbers of persons to be paid are enabled in the ATM twice each day, in the morning and in the afternoon. In addition to the cash payment, the ATM dispenses a receipt and a proof-of-service statement for the juror's employer. Check-writing kiosks have been implemented in Maricopa County (Phoenix), Arizona, and in Orange County (Santa Ana), California. The kiosks also provide general information about jury service, directions to the courtrooms, and other information needed by jurors.

**Exit Questionnaires**

After jurors have completed their service, they return to their normal lives. Before they leave the courthouse, however, many courts ask them to complete a juror exit questionnaire, which can serve a number of purposes. The most obvious purpose is to provide a mechanism for jurors to comment on the conditions of service or identify areas in need of improvement, but exit questionnaires can also serve a diagnostic purpose (e.g., overlap of source lists, hardship on jurors due to loss of income, and even monitoring the randomness of the selection process). Asking jurors to complete the questionnaire before they leave results in a much greater response rate (and saves postage costs) than asking them to mail the forms back. In New York, the exit questionnaire is formatted as a machine-scannable form (Figure 15), which greatly facilitates data entry and analysis. Questionnaires can also be made available through payment kiosks (discussed above).

All of these post-service functions - payment, proof of service, exit questionnaire and a thank-you from the court - are the last contact with the juror and can provide a sense of closure to the jury experience. If that last impression is one of a well-managed operation, the court has gone a long way toward making jury service the positive experience it should be. 

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87 SJI-92-139.
JUROR QUESTIONNAIRE – Manhattan

We would appreciate your completion of the following questionnaire. The purpose is to gain information on your experiences and views as a juror. No personal identification on the questionnaire is included, and all answers are confidential. If you have served on jury duty in the past, please answer the following questions in terms of your present jury service. Please complete this survey near or at the end of your term of service. Do not rate anything you feel does not apply to your experience as a juror in the New York State Courts.

MARKING INSTRUCTIONS

- Use a No. 2 pencil or blue or black ink pen only.
- Make solid marks that fill the oval completely.
- Make no stray marks on this form.
- Complete both sides of form.

INCORRECT MARKS ✓ / X ☐ ☐
CORRECT MARK ○

JURY SERVICE

1. How many days did you report for jury duty?
   - 1  2  3  4  5  6  7
   - 8 or more

2. How many different cases were you questioned for during your term of service?
   - None
   - 1  2  3  4  5  6  7
   - 8 or more

JURY EXPERIENCE

1. (a) Were you selected to serve on a jury? ☐ Yes ☐ No
   (b) If yes, what type of case? ☐ Civil ☐ Criminal
   (c) If yes, did the trial start? ☐ Yes ☐ No
   (d) If yes, did your jury render a verdict? ☐ Yes ☐ No

JURY EXPERIENCE Continued

SA – Strongly Agree  N – Neutral  D – Disagree
A – Agree  SD – Strongly Disagree

YOUR EXPERIENCE IN THE COURTROOM DURING JURY SELECTION:

6. The judge was professional, courteous and helpful.
7. The courtroom personnel – clerk, reporter, and court officers were courteous, professional and helpful.
8. The attorneys were professional and courteous during jury selection.
9. My privacy or personal safety was not compromised during jury selection.
10. Court personnel were always available to offer information and assistance.

FACILITIES

E – Excellent  F – Fair
G – Good  P – Poor

HOW WOULD YOU RATE THE:

1. Physical comforts of the jury assembly room?
2. Physical comforts of the courtroom?
3. Physical comforts of the jury deliberation room?
4. Personal safety in the courthouse?
5. Personal safety outside the courthouse?
6. Cleanliness of the courthouse?
7. Cleanliness of restrooms?
8. Access to food service?

Figure 11
The Promise and Challenges of Jury System Technology

Figure 11b
Appendix

Copies of additional juror internet screens used in Maricopa County Superior Court jury system
GENERAL INFORMATION

Also: Tips For Coping After Jury Duty | Jury Service Letter to Employers

Court Locations:
Downtown Phoenix: 111 S. Third Avenue, Phoenix
Southeast (Mesa): 222 E. Javelina Ave., Mesa
Northwest Regional Center: 14264 West Tierra Buena Lane; Surprise, AZ 85374

Parking:
Downtown Phoenix:
The county provides free parking for Superior Court jurors at the Jackson Street Garage at 5th Avenue and Jackson in downtown Phoenix.

Map of the Superior Court of Arizona downtown Phoenix facility and Jackson Street Garage.

For more public transportation information go to Valley Metro's WebSite.

Southeast (Mesa):
The court is located South of the Superstition Freeway (U.S.Route 60) and just west of North Mesa Drive. Free parking is located on the north side of the court complex.

Map of the Superior Court of Arizona Southeast (Mesa) facility (please use your back button to return to our site).

Northwest Regional Center:
The county provides free parking for Superior Court jurors around the court facility.

Map of the Superior Court of Arizona Northwest (Surprise) facility (please use your back button to return to our site).

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Juror Hours:
Juror hours are 8:30 A.M. to 5:00 P.M. unless otherwise informed by court personnel. Please plan to stay the entire day! We suggest you bring reading materials or small projects to pass the time while awaiting assignment to a courtroom.

Lunch Breaks:
Jurors have at least one hour for lunch. There is a cafe located in the downtown Phoenix complex and several eating establishments within easy walking distance. There is a cafeteria located in the Southeast facility as well. Jurors may also bring a lunch. Breaks are announced throughout the day.

Facilities:
All restrooms in the Superior Court complexes are accessible to physically challenged jurors. Courtesy phones are located in the Jury Assembly Room and pay phones are available nearby. Physically challenged jurors in wheelchairs may use the ramps located at all court entrances. The courthouse is a nonsmoking environment. ATM machines are available in the Phoenix and Southeast facilities.

Access to phone lines for Internet connectivity is provided to jurors with a laptop computer in the downtown Phoenix Jury Assembly Room.

Attire:
Because temperatures vary in courtrooms and the assembly room, shorts and tank tops are not appropriate. It is recommended to dress in layers.

Attendance:
Jurors are to report to the Jury Assembly Room with their summons or deferral card. Once selected, jurors go directly to the courtroom.

Failure to Appear:
A juror who is summoned and who willfully and without reasonable excuse fails to appear for jury service may be found by the court to be in contempt and subject to penalties provided by law. If you failed to appear on the date summoned, write to the Jury Office explaining the situation and include your Jury ID number. The address is 111 S. Third Avenue, Phoenix 85003. You should receive a response within two weeks of receipt.

Emergencies:
First Day Jurors: In case of a family emergency, all jurors at any location can be reached via the Jury Assembly Room. Call 602 372-5879 and press 0 for an operator.

Selected Jurors: Contact the judge’s staff if an emergency occurs and you cannot return to the court. All judges’ office phone numbers are listed in the government pages of the telephone directory.
Delays in Jury Selection or Trial:
The most common complaint of jurors is the unexplained time apparently wasted during jury selection and trials. What might appear to be a waste of time to you is actually time being used by the judge and attorneys working on matters that must be done outside the presence of the jury. These events often arise unexpectedly and cannot be planned for in advance. A case may settle just before a trial was to start which eliminates the need for a jury to be assigned. This is unpredictable and unfortunately may negate the need for your services that day as a juror. Your presence may have accelerated this result and without your knowledge, you will have played a vital role in our legal system. Please be aware of these issues and bear with us as we all work to accomplish our goal of achieving justice for all.

Returning from the Courts:
Once dismissed from a courtroom, you will be instructed to return to the Jury Assembly Room. Returning jurors should check in at the counter and inform staff that you have been released by the court. At this point, you may be reassigned to another court. If there are no other trials that need jurors that day, you will be given your verification form to show your employer and then released from service.

Reimbursement for Mileage:
Jurors appearing for service and released the first day, not selected for trial, are paid for mileage only. Jurors who have been selected will receive $12.00 per day plus mileage. Mileage is calculated from the middle of your home zip code to the court house. The rate, which is currently 34.5 cents per mile, is set by the legislature of the State of Arizona.

Further Information:
Read your jury questionnaire and summons carefully. If you have any questions, call the Jury Office at 602 372-5879. We have installed an automated telephone system that will answer many of your questions. The automated system will also connect you to a staff person during normal business hours if you have any additional questions. This automated system is available 24 hours a day, 7 days a week.

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FREQUENTLY ASKED QUESTIONS

Contacting the Jury Office:

How can I reach the Jury Office?
The Jury Office is open Monday through Friday (excluding holidays) from 8:00 a.m. to 5:00 p.m. An automated phone system is in place to assist jurors during the day and after-hours. By calling (602) 372-JURY, jurors can get information on court locations and hours, juror qualifications, how to request an excuse and how to ask for a postponement of their date of service. During business hours, jurors may call that same number to speak with staff. The Jury Office fax number is (602) 506-6078. The address is:

Superior Court/Office of the Jury Commissioner
111 South Third Avenue
Phoenix, Arizona 85003-2275

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Jury Selection:
Where does the jury commissioner obtain names of prospective jurors?
The list of names that is used to call people for jury service is created by combining the County’s voter registration list and Arizona Department of Transportation records. Names are randomly selected from that master list by a computer program.

I have been called to serve three times in the past five years and none of my friends have ever been called. Why don’t you pick some other people?
A computer program randomly selects names from the master jury file to summons potential jurors. Since that process is random, some people may be selected more than others.

Some people would volunteer for jury service if you’d let them. Why don’t you?
The Jury Office adheres to the random selection process set out in the law. Because it is random, some people who are willing to serve may never be asked, and others who are not willing to be served may be asked frequently.

I can no longer fulfill my duties as a juror. Can’t you take my name from your records?
Under certain circumstances, such as permanent mental or physical disability, jury staff can permanently remove a name from its records. Please explain your situation in writing on the questionnaire and return it to the Jury Office. You will be notified by mail of the decision whether or not to grant your request.

I am not a citizen of the United States but I would still like to serve as a juror. Why can’t I?
The law automatically disqualifies non-citizens, convicted felons whose civil rights have not been restored, and people under 18 years of age from jury service.

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Jury Service:

Is jury service mandatory?
The United States Constitution and the Arizona State Constitution guarantee the right to trial by jury. Failure to attend as directed may subject you to penalties provided by law; A.R.S. § 21-334. All Maricopa County residents are obligated by state law to serve as a juror unless they:

- Are NOT a United States citizen;
- Are UNDER 18 years of age;
- Have been convicted of a felony and their civil rights have NOT been restored.

How long will I have to serve as a juror?
The Superior Court in Maricopa County operates on a one trial/one day system for jurors. This means that if you are NOT selected to serve on a jury panel for a trial, your period of service is complete after the end of the first day. If you ARE selected to serve on a jury for a trial, your service is complete at the conclusion of the trial. The average trial lasts for three to five days.

Are there ever any instances when I may have to serve longer?
Some of the municipal courts and justice of the peace courts use a "pooling" system. This means you are on call by the court for a period of time (4 to 8 weeks). You may be called by the court several days in advance to appear on a specific date, or you may be required to call the court. You may also be required to appear several times during your period of service depending on the needs of the court. It is important to list on your questionnaire the dates you will NOT be available during the time you are on call (doctor appointments, vacation days, etc.)

How late will I be at the courthouse?
The court’s normal hours of operation are 8:00 A.M. to 5:00 P.M. Prospective jurors should make arrangements to remain the entire day.

I served on a jury three years ago. Do I have to serve again already?
Yes. If you appeared to serve as a juror but were not chosen for a trial, you are exempt from serving for 18 months. If you served on a jury panel for a trial, you are exempt from serving for two years. If it has been more than 18 months (or two years) since your last service, you are required to appear for jury service again, regardless of how many times you have served in the past.

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Excuse from Service:

May I be EXCUSED from jury service over the phone?
No. All excuse requests must be in writing and either mailed (or faxed) to the Jury Office for review.

How do I request to be excused from jury service?
Prospective jurors otherwise eligible to serve may be excused from jury service only for extreme hardship. All requests must be submitted to the Jury Commissioner’s Office in writing prior to the prospective juror’s service date as explained on the juror questionnaire. The excuse can be faxed to the Jury Office at 602-506-6078.

A prospective juror may be excused if he/she:

- Has a physical or mental disability that would prevent him/her from serving. The prospective juror may be required to provide a doctor’s note verifying the disability.
- Must provide actual and necessary care for another and alternate arrangements are not feasible.
- Will suffer an extreme financial burden if required to serve.
- Is unable to read or understand the English language.

What should I write if I want to be excused from jury service?
There is no single excuse that guarantees exemption from jury service. Each request is individually reviewed. Potential jurors are encouraged to complete the questionnaire truthfully, to the best of their knowledge. Failure to do so is against the law. Jury service is a citizen’s civic duty, and responsibility.

I am a police officer (or lawyer or doctor or victim of a crime etc.) I know that I will not be selected to be on a jury. Why not excuse me now and save time?
Superior Court tries civil and criminal cases, both of which require juries. The random selection process prevents you from knowing in advance what trial or even what type of trial you’ll be selected for. If when you get to a courtroom you’re excused by the judge, you’ve fulfilled your obligation for jury service. But the Jury staff cannot excuse you as a potential juror because of what you do for a living.

I am unable to judge anyone because of my moral or religious beliefs. May I be excused?
The law does not provide for an excuse from jury service for moral or religious beliefs. You are still required to appear for jury service. When you get to a courtroom, the judge will make that decision.
Work Issues:

Does my employer have to pay me for serving as a juror?
No. State law does not require employers to compensate their employees while they are on jury service. Many employers support the jury system and provide jury service benefits and will continue employee wages while they serve as a juror. Please check with your employer regarding your company’s policy.

Can my employer prevent me from serving as a juror?
State law (A.R.S. § 21-236) prohibits an employer from discharging or in any manner discriminating against an employee for taking time off to serve as a juror if the employee, prior to taking time off, gives reasonable notice to the employer of the requirement to serve as a juror.

Postponement:

What about getting a postponement?
The Court realizes prospective jurors may have been summoned at an inconvenient time and is willing to defer service to a more convenient time in most instances.

Jurors may request a first-time postponement for Superior Court over the phone (602 372-JURY) or on the Internet. Either method will let jurors select a new date of their choice, with some limitations. Other requests for postponement must be in writing and either mailed or faxed to the Jury Office for review.

Postage on Juror Questionnaire:

Why do I have to pay the postage to return the juror questionnaire?
The Jury Office spends over $200,000 annually in postage to mail summons and juror checks. Postage for returned questionnaires would nearly double the cost.

Transfer to Another Court Location:

I live closer to a different court than the one where I’ve been summoned. Why can’t my service be transferred there?
State law requires that Superior Court jurors be selected randomly from the countywide population. You must appear at the court to which you were summoned.

Pay for jury service:

Will I be compensated for jury duty?
Yes. Jurors are compensated for mileage if they appear the first day but do not serve for a trial. Mileage is currently calculated round-trip from the center of your zip code to the court building. The current rate is 34.5 cents per mile. If selected to serve as a juror for a trial, you will receive $12 dollars for every day the trial lasts, plus mileage. Checks are sent out a week or two after your service has been completed.
To: Employers Whose Employees Are on Jury Duty

From: Superior Court of Arizona, Maricopa County

Date: 7/25/2003

Re: JURY SERVICE

If one of your employees has been selected to serve as a member of a jury; you need to be aware of the following Arizona laws. Arizona Revised Statutes § 21-236 provides:

"A. An employer shall not refuse to permit an employee to take a leave of absence from employment for the purpose of service as a juror. No employer may dismiss or in any way penalize any employee because he serves as a grand or trial juror, provided, however, that an employer shall not be required to compensate an employee when the employee is absent from his employment because of jury service. Any absences from employment shall not effect vacation rights which employees otherwise have.

"B. An employee shall not lose seniority or precedence while absent from his employment due to his serving as a member of a grand or trial jury. Upon return to employment the employee shall be returned to his previous position, or to a higher position commensurate with his ability and experience as seniority or precedence would ordinarily entitle him.

"C. A person who violates any provision of this section is guilty of a class 3 misdemeanor."

If an employee works the night shift, an employer is still required by law to give that employee a leave of absence from work during the period of jury service, even though the employer is not required to pay the employee. The clear intent of the Arizona Legislature in enacting the above statute was to make sure that jurors who are fulfilling their civic duties in regard to jury service are not penalized in any manner for doing so. It would make no sense if jurors who work during the daytime received the benefits of the statute but those who work the night shift do not.
**TIPS FOR COPING AFTER JURY DUTY**

**The Jury Duty Experience**

Thank you for serving your community. Being on a jury is a rewarding experience which in some cases may be quite demanding. You were asked to listen to testimony and to examine facts and evidence. Coming to decisions is often not easy, but your participation is appreciated.

Serving on a jury is not a common experience and may cause some jurors to have temporary symptoms of distress.

Not everyone feels anxiety or increased stress after jury duty. However, it may be helpful to be aware of the symptoms if they arise.

Some temporary signs of distress following jury duty include: anxiety, sleep or appetite changes, moodiness, physical problems (e.g. headaches, stomach aches, no energy, and the like), second guessing your verdict, feeling guilty, fear, trouble dealing with issues or topics related to the case, a desire to be by yourself, or decreased concentration or memory problems.

Symptoms may come and go, but will eventually go away. To help yourself, it is important to admit any symptoms you may have and deal with any unpleasant reactions.

**Coping Techniques After Serving On A Jury**

- Talk to family members and friends. One of the best ways to put your jury duty experience in perspective is to discuss your feelings and reactions with loved ones and friends. You may also want to talk with your family physician or a member of the clergy.
- Stick to your normal, daily routines. It is important to return to your normal schedule. Don’t isolate yourself.
- Before you leave the court, you may wish to get the names and numbers of at least two of your fellow jurors. Sometimes it is helpful to talk to people who went through the experience with you. This can help you to remember that you were part of a group (jury) and are not alone.
- Remember that you are having normal responses to an unusual experience.
- You can deal with signs of distress by cutting down on alcohol, caffeine, and nicotine. These substances can increase anxiety, fatigue and make sleep problems worse.

- Relax with deep breathing.
  - Breathe in slowly through your nose.
  - Breathe out through your mouth.
  - Slow your thoughts down and think about a relaxing scene.
  - Continue deep breathing until you feel more relaxed.

- Cope with sleep problems.
  - Increase your daily exercise, but do not exercise just before bedtime.
  - Decrease your caffeine consumption, especially in the afternoon or evening.
  - Do “boring” activities before bedtime.
  - Listen to relaxation tapes or relaxing music before bedtime.
Final Thoughts

- Remember that jury service is the responsibility of good citizens.
- Resist negative thoughts about verdict.
- No matter what others think about the verdict, your opinion is the only one that matters.
- You don’t have to prove yourself to anyone.
- Sometimes it takes a lot of courage to serve on a jury. Some cases are very violent and brutal and hard to deal with. The case is now over and it is important for you to get on with your life.
- If you are fearful of retaliation or if you are threatened after the trial, tell the court and/or law enforcement immediately.

If signs of distress persist for two weeks after the jury service has ended consider contacting your physician.
THE ROAD TO REFORM
Arizona Leads the Way

Ever heard the phrase: “You’re never a hero in your own backyard.” Such is true with jury reform in the United States. Arizona leads the nation in creating a more meaningful and worthwhile role for jurors in the trial process. New Arizona efforts focus on helping jurors understand trial proceedings and encourage more active participation in the trial itself. These are very far-reaching changes in legal and judicial systems.

These reform efforts began in 1993, when the Arizona Supreme Court Committee on More Effective Use of Juries was established. Now jurors not only have the ability to actively participate in the process, but also have the right to take notes and ask questions, which enables them to better understand the evidence and legal instructions. In essence, Arizona has transformed the courtroom into an interactive classroom.

Here is a look at some of the jury reforms:

Mini Opening Statements before Voir Dire: Trials
With the Court’s consent, parties may present brief opening statements explaining the case to all prospective jurors prior to selection of the actual trial jurors (a process called “voir dire”).

Juror Note-Taking: All Trials
Jurors in Arizona have had the right to take notes in criminal cases for more than 20 years. The recent reforms, however, now require that jurors be allowed to take notes during civil and criminal trials and use them during deliberations. Note taking helps jurors remember evidence and testimony, creating more of a “classroom” learning environment.

Discussing the Evidence: Civil Trials Only
Arizona civil juries are instructed that they may discuss the evidence in private among themselves as long as they are all present. Juror discussion of the case during trial is not permitted in criminal cases, however. Jurors are also advised that they must reserve final judgment as to the outcome and must keep an open mind as to the issues until all of the evidence, the court’s instructions on the law, and the final arguments of counsel have been presented.

Juror’s Right to ask Questions: All Trials
Juror questions must be in writing and delivered to the bailiff before the witness leaves the courtroom; counsel must be given an opportunity to object and jurors must be advised of the limitation on the question that can be asked. Allowing jurors to ask questions helps clarify issues, especially in the age of complex scientific evidence and confusing facts in complicated cases.

Time Limits: Trials
Courts have the power to enforce reasonable time limits during trial. This change is designed to shorten trials not only in deference to jurors, but also to litigants, who are prompted to prepare better and improve their presentations due to time limitations.
**JURY SERVICE GOES ONLINE**

Superior Court, recognized as one of the most innovative courts in the country, developed a new online program to make it easier for Valley residents to serve on jury duty. The new service, at www.superiorcourt.maricopa.gov/jury/jury_info.html is available to the nearly 400,000 Maricopa County residents summoned to jury duty each year.

A significant number of prospective jurors cannot serve on jury duty when scheduled because of unchangeable travel commitments, surgery, or other reasons.

Prior to the web site service, the only way prospective jurors could seek a postponement was to note the conflict on the summons reply form and mail it back to the jury office.

With the new web site feature, time is saved and personnel expenses reduced. Now, with a click of the mouse, prospective jurors can instantly change their jury service date when events would prevent them from being able to serve as scheduled by the court. The new online service allows jurors to postpone their service for 90 or 120 days.

A second new web site feature for jurors lets them use the computer instead of the telephone to confirm their juror status. All prospective jurors are required to check with the court the evening before jury duty for instructions for the next day’s service. Telephone hotlines with recorded messages are still available for jurors to confirm their service by calling 602.506.8000.

The court developed the new features to make it more convenient for the public to serve on jury duty, to provide greater accessibility to information for jurors and to streamline the system.

**SUPERIOR COURT GOES HIGH-TECH**

Construction is near completion at the downtown Phoenix complex on eight high-technology courtrooms that will make for speedier, more efficient trials.

The plans call for video monitors for each juror, listening devices for translation and the hearing impaired, real time transcript systems (similar to closed caption television) and a two-way video system for off-site witnesses permitting live testimony piped into the courtroom and monitors mounted throughout the courtroom for evidence display and presentations.

The two-way video system will allow a DNA specialist to demonstrate from a lab rather than try to explain the science from a witness stand. These high-tech features will reduce the time needed for trials which means jurors will spend less time away from their jobs and family. Witness travel expenses and costs can also be reduced.

The translation system will allow for non-English speaking jurors and will help make juries even more diverse. Courthouses across the nation are moving toward “e-courtrooms” as new technologies are applied to justice systems.
HOW THE COURT WORKS

More than 100 judicial officers sit on the bench of the Superior Court in Maricopa County.

The Superior Court has two jury assembly locations, the downtown Phoenix complex, and the Southeast Facility in Mesa.

The presiding judge oversees judicial departments and court administrative offices.

Judges are appointed through a merit process. Judicial candidates are selected for their legal ability and professional and personal achievements rather than their mastery of political campaigns.

Applicants for judicial appointment are screened by the Commission on Trial Court Appointments, a nonpartisan committee. The Commission reviews all applications, interviews candidates and selects finalists whose names are forwarded to the Governor. The Governor reviews the applications, interviews each finalist and appoints one of them to the bench.

Superior Court judges in Maricopa County remain in office by the approval of voters in retention elections. There are no opponents in these elections. Voters cast a “yes” vote to retain a judge in office and a “no” vote to oppose their retention. Every two years each judge undergoes a public review process, including a survey of the judge’s ability by lawyers, litigants, jurors and staff. Judges face a retention election every four years.

Commissioners and hearing officers are appointed by the court’s presiding judge from attorneys who apply and are recommended by a selection committee made up of judges, lawyers and the public. They handle specific assigned cases, uncontested matters and other duties.

Superior Court Cases

Contrary to public perception, the majority of cases filed in Superior Court consist of civil disputes, not criminal charges.

Civil cases involve legal conflicts among individuals, businesses, corporations, partnerships and governmental entities. Most civil cases are the result of personal injury, property damage, medical malpractice and contract disputes.

Jurors are summoned for two types of cases: civil and criminal. The other court departments -- juvenile, family court, tax, probate and mental health do not have jury trials.

<table>
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<tr>
<th>Total Cases Filed</th>
<th>114,407</th>
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<td>(FY 2000)</td>
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- **Family Court**: 25%
- **Probate**: 6%
- **Mental Health**: 1%
- **Juvenile**: 17%
- **Tax Court**: 1%
- **Civil**: 27%
- **Criminal**: 23%

**Superior Court Locations**

- **Central Court Building**: 201 W. Jefferson Phoenix, AZ 85003
- **East Court Building**: 101 W. Jefferson Phoenix, AZ 85003
- **Juvenile Court - Durango**: 3125 W. Durango Phoenix, AZ 85009
- **Juvenile Court - Mesa**: 1810 S. Lewis Street Mesa, AZ 85210
- **Old Court House**: 125 W. Washington Phoenix, AZ 85003
- **Southeast Court Facility - Mesa**: 222 E. Javelina Avenue Mesa, AZ 85210
- **West Court Building**: 111 S. 3rd Avenue Phoenix, AZ 85003

**HOW TO REACH US**

- Adult Probation: 602.506.3261
- Civil Court Admin.: 602.506.1497
- Clerk of the Court: 602.506.3676
- Court Administration (Downtown Phoenix): 602.506.3204
- Court Administration (Mesa Court Complex): 602.506.2020
- Criminal Court Admin.: 602.506.8575
- Family Court Admin.: 602.506.1561
- Jury Office-Downtown: 602.506.5879
- Jury Office-Mesa: 602.506.2056
- Juvenile Court (Durango Complex): 602.506.4401
- Juvenile Court (Mesa Court Complex): 602.506.2544
- Law Library: 602.506.3461
- Probate/Mental Health: 602.506.3688
- Self Service Center: 602.506.SELF
CourtTalk

Speakers Program

CourtTalk was created to educate and inform the community about the justice system.

We will provide a speaker to present thought-provoking and important information appropriate to your audience.

However, the Judicial Code of Ethics prevents court officials from talking about pending court cases.

We look forward to assisting you in promoting and enhancing public understanding of the court system.

How to Schedule a CourtTalk

By Phone: Call 506-TALK (506-8255) and leave a voice mail message. The Court’s Community Relations Office will contact you.

On the World Wide Web: www.superiorcourt.maricopa.gov and then click on Public Information/Community Relations

---

<table>
<thead>
<tr>
<th>JUROR SATISFACTION SURVEY</th>
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</thead>
<tbody>
<tr>
<td>Please detach and leave in suggestion box in jury assembly room</td>
</tr>
</tbody>
</table>

Was your jury service satisfactory?

- Yes
- No
- Needs Improvement

---

Was your jury summons easy to read/understand?

- Yes
- No
- Needs Improvement

---

Was the court staff courteous and helpful?

- Yes
- No
- Needs Improvement

---

Please provide comments/suggestions for improving jury service.
Appendix

Excerpt from Jury Management System Presentation
South Dakota Unified Judicial System
Presented at Court Technology Conference VII

Full document available from:
Ms. Pam Templeton, Director
UJS Information and Technology Office
500 E. Capitol Avenue
Pierre, SD 57501
pamt@ujs.state.sd.us
## Presentation Outline

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1. Introduction/Background

We have recognized for many years that a better method of managing juries was needed in the state, but the computer systems developed by private vendors were far too expensive. Our two largest counties, Minnehaha and Pennington, were struggling with trying to manage juries pretty much on a manual basis. In 1999, we applied for and received financial assistance from the State Justice Institute to develop a jury management system. The grant money allowed us to tap the resources of Tom Munsterman at the National Center for State Courts.

Over approximately 18 months, a committee of UJS technical staff, system users and a consultant programmer/analyst, assisted by Tom’s technical expertise, developed a jury management system at a cost of under $50,000.

The system has been implemented in approximately 30 counties in the state. Additionally, the system has a web interface that gives prospective jurors information on jury service in South Dakota and allows jurors the option of completing their juror questionnaires online. The system is currently installed on a distributed basis because of issues involving selection of the Master Jury list with our county auditors that were present at the time the system was developed. Recent legislation has now allowed for a state-wide master jury in South Dakota and our plans are to centralize our jury data base by July 2003.
2. SD Court System/Jury Requirements

The court system in South Dakota is somewhat unique in that we are a state wide court system for a population of approximately 750,000. We are located in sixty or more counties and a land area of almost 76,000 square miles. The Unified Court system of South Dakota is made up of five Supreme Court Justices, thirty seven Circuit Court Judges and fourteen Magistrate Judges. There are ---- (number) support staff made up of administrative, clerical and other non-judicial personnel.

Administration of the system is statewide and per circuit. The statues of South Dakota dictate that Jury pools are created by county and if need be in our more rural areas by jury districts which may be created from combining several counties. Each year the presiding judge of each circuit directs the clerk of the circuit court located in each county to draw a specified number of jurors from a combined list of registered voters and of licensed drivers residing in that county.

The County Auditor, the Chairman of the County Commission and the clerk of the circuit court make up the board of jury selectors. It is their duty to create the master jury list each calendar year. The presiding circuit judge also set the number of jury panels the number of jurors on each panel and the length of time each panel is to serve. The county sheriff, the register of deeds and the county treasurer draw the jury for each panel. In some counties the master jury panel may consist of 200 jurors with two term panels of 100 each. and in others the panel may consist of 6,000 divided into twelve term panels of 500.
The system doesn’t care if it is working with 200 or 2 million. It is only a matter of the number of zeros. The system has the capability to allow the clerk to move jurors from one panel to another to assist the juror in personal scheduling. The system will also excuse a juror for a period of time if the circuit has a year-long term of service. In developing the system we hoped to make jury service as convenient as possible for the juror and yet not lose the integrity of the philosophy of trial by jury.
3. Technical Aspects of System

The Jury Management system is written in Microsoft Access 97 and can be configured to run entirely on one workstation, Local Area Network or over our state Wide Area Network. Why Access 97? Mainly due to the nature of the project at the time the system was developed. Our main goal was to get a few pilot counties using it and prove it would work. Access 97 was a fast alternative to developing in one of the more formal “grownup” languages and had all the “horsepower” we needed to meet our original goals. Why distributed rather than centralized? At the time the system was designed, our state statutes regarding jury selection and current status of the State WAN made it more desirable. Pending legislation to be introduced during the 2003 South Dakota legislative session will allow us to create our Master jury lists from a centralized voter registration list maintained by the state Secretary of State. The legislation is expected to pass and we will no longer be forced to deal with individual county auditors, each running their own unique computer systems. In preparation for this change, our plans are to re-write this system in Visual Basic and convert to a centralized SQL database by July 2003.

The WorldWide Web enabled portion of the system consists of Automated Server Pages running on the State of South Dakota’s Web server under Microsoft IIS. It utilizes a SQL database that has replication links to the various MS Access databases used throughout the state. This SQL database contains both the data for the jury system itself, plus some of the Web content you see on the site. This allows each county clerk of court to maintain certain portions of his or her own county pages without any assistant from a Webmaster.

Because of changes in South Dakota statutes, upgrading of the WAN and apparent high acceptance of the Web enabling, we plan to revamp the system somewhat to use a centralized SQL database using essentially the same
Because of changes in South Dakota statutes, upgrading of the WAN and apparent high acceptance of the Web enabling, we plan to revamp the system somewhat to use a centralized SQL database using essentially the same Access 97 program running on a Citrix server/farm over our state WAN. This will probably occur sometime over the next 24 months.
4. Overview of System

When the Jury Management System is opened, the Main Menu shown below appears on the screen.
4.1 Main Menu Options

The Main Menu options are shown in order of use, as clerks select jurors, summons them, etc.

**Setup Panels/Utilities**
This menu option is used to Import the Master List of Jurors, setup Grand Jury and Term Panels, archive or delete data, edit data in system tables, and print related reports.

**Summons Jurors**
This menu option is used to print Juror Summons and to print other related reports.

**Jurors**
This menu option is used to view and update juror information, record contacts made to a juror, add or edit fees, transfer jurors to a different Term Panel, and print related reports.

**Trial Panels**
This menu option is used to create and edit trial panels and to print other related reports.

**Cases**
This menu option is used to enter and view information about individual cases, including Trial Panel assignments, Juror Attendance, Voir Dire selection and charges/verdict information.

**Vouchers**
This menu option is used to issue vouchers, reprint vouchers, and export voucher data to a file.

**Grand Jury Sessions**
This menu option is used to enter Grand Juror attendance and Voir Dire selection information.

**Reports**
This menu option shows a listing of all the reports and the screen from which they can be run.

**Exit the Database**
This menu option is used to close the database and Microsoft Access.
4.2 Setup Panels/Utilities

The Panel Setup/Utilities screen is used to Import the Master List of Jurors, setup Grand Jury and Term Panels, archive or delete data, edit data in system tables, and print related reports.

To setup panels, go to the main menu and click on “Setup Panels/Utilities.”

When this option is selected from the Main Menu, the screen below appears.
Appendix

Materials describing Missouri Juror Management System and Memorandum of Agreement

Contact:
Ms. Tina Jones
Office of State Court Administrator
P.O. Box 104480
Jefferson City, MO 65110
Tina_Jones@osca.state.mo.us
JUROR PRE-IMPLEMENTATION SURVEY
___________________________ County

1. Length of term(s) of jury service and beginning periods:

2. Type of process:
   - One-Step: Questionnaire and summons sent at the same time. Summons indicates date and time or required appearance.
   - Two-Step:
     - Questionnaire sent first and followed with a summons including the date of service.
     - Questionnaire and summons sent at the same time, but follow-up contact required for date of service.
   - Other: (Please describe process)

3. Check Writing:
   - Check written and disbursed by Court Clerk
   - Report submitted to County to issue checks

4. Name of contact person(s) and phone number(s):

5. Comments:
ACS JUROR FOR WINDOWS

General Information
ACS Juror Management System is the software package acquired by OSCA to assist Missouri courts with jury processing procedures. It is not intended to change the way you do business, but you may need to make minor adjustments to your current practices in order to receive all the benefits the system has to offer.

Master Jury List
The master jury list is a combination of lists of names provided by the Secretary of State’s Office and the Department of Revenue. The names received from the Secretary of State are registered voters over the age of 21. The names received from the Department of Revenue include all individuals over the age of 21 with a driver’s license, learner’s permit or a non-driver’s license (ID). The non-driver’s license (ID) list is made up of people age 21 or over without a driver’s license who have sought a state issued identification card from the Department of Revenue. These persons represent only 250,000 of the four to five million records loaded into our database from the Department of Revenue sources.

When an individual receives a driver’s license, a non-driver’s license (ID) or a learner’s permit, he/she is asked their county of residence. The Department of Revenue does not verify the information received from the individual regarding the county of residence. Therefore, you may have individuals in your county master jury list that resides outside your county. We are aware of this situation, have reviewed the data and found that this accounts for approximately two percent of the individuals on your particular master jury list. We are exploring several options to reduce the number of participants received that reside outside of your county.

OSCA has received a tape from the Department of Health Vital Statistics for deceased individuals. This tape will be compared/ran against our database to remove names of individuals deceased since 1980 to the present.

The master jury list is an open record pursuant to 494.410 RSMo. For this reason, the Department of Revenue has expressed concerns about the redisclosure of personal information obtained from them. Certain disclosures of personal information would be a direct violation of the Federal Driver’s Privacy Protection Act (DPPA). As a condition of receipt of the personal information, OSCA has signed a standard agreement with DOR stating the OSCA will only redisclose the personal information received from DOR for a purpose permitted under either the DPPA or Missouri law. Therefore, in order for you to receive and use data from DOR, OSCA is requesting that you sign an agreement stating that you will only use the data for its permitted purposes as set out in that agreement.

Training and Support
Staff from ACS or OSCA, will conduct three-day training sessions. In these sessions you will be trained on the processes that occur before, during and after a jury trial. Each county is asked to send a minimum of two people to the training. If you would like to send more than two people, please let us know.

Once training is completed and ACS Juror for Windows has been installed on your computer, an OSCA court specialist will visit your county to provide on-site support for your first jury trial. Support is also available from the OSCA Helpdesk.

Bar Code Readers
Each county will be provided one bar code reader at no cost. Additional bar code readers can be purchased directly from the vendor. Please contact us for more information.

Lessons Learned
If your office will be printing checks, make sure you get the necessary information required for programming checks to OSCA several months in advance.

Make sure you work with an OSCA forms analyst before sending your forms to a vendor for printing.

Getting Help
If you have any questions prior to the implementation of your juror software, you can contact one of the presenters directly. After you have been trained and the software has been installed on your workstations, contact the OSCA help desk.
MEMORANDUM

TO: Circuit Clerks
FROM: Nancy Griggs
RE: Confidentiality of Personal Information in Master Jury List
DATE: July 29, 2003

As part of the ACS JUROR rollout, the Office of State Courts Administrator (OSCA) is providing your court with the Master Jury List for your county. The data has been compiled from voter’s registration list and driver’s license records. 18 U.S.C. 2721, the Driver’s Privacy Protection Act (DPPA), has greatly restricted the use of personal information that is obtained from the driver’s license records. Personal information includes an individual’s name, address and Social Security Number. The courts are permitted to use the personal information in carrying out its functions which does include compiling a Master Jury List and all activities associated with calling a jury.

The Department of Revenue is greatly concerned about the redisclosure of the personal information that is obtained from the driver’s license records because the Master Jury List is an open record pursuant to 494.410 RSMo. As the recipient of the personal information, OSCA has signed a standard agreement with the Department of Revenue stating that OSCA will only redisclose the personal information for a permitted purpose under either the DPPA or Missouri law. Accordingly, OSCA is requesting that you sign the attached agreement stating that you will only use the data for its permitted purpose as set out in the agreement. We are asking that at least two of the Jury Commissioners sign the agreement. Please return the signed copy to our office.

A copy of the DPPA and 494.410 RSMo is attached for your convenience.

If you have any questions, please contact me or Catherine Nelson Zacharias at 573-751-4377.
Memorandum of Agreement
Between Office of State Courts Administrator and
___________ County Circuit Court

This AGREEMENT is entered into this _____ day of ______________, 2002, between the Office of State Courts Administrator (hereinafter, OSCA) and ____________ County Circuit Court (hereinafter, Court) for the purpose set out hereunder:

WHEREAS, OSCA has requested records from the Missouri Department of Revenue’s Driver’s License Bureau to populate a database for the purpose of creating a master jury list pursuant to Section 494.410, RSMo.

WHEREAS, OSCA will provide the Court the master jury list for its respective county.

WHEREAS, personal information, as defined by 18 U.S.C §2725 and 32.091(1)(3) RSMo, received from the Missouri Department of Revenue is considered confidential pursuant to Driver’s Privacy Protection Act, 18 U.S.C. §2721 and 32.090(3) RSMo (A copy of 18 U.S.C. §2721 is attached and incorporated herein by reference.)

WHEREAS, OSCA and the Court are considered authorized recipients of the personal information, as defined by 18 U.S.C §2725 and 32.091(1)(3) RSMo.

WHEREAS, the Court shall use the personal information only for court functions, including, but not limited to, the qualified jury list, the jury panel, petit jury, grand jury, voir dire, and litigation challenging the jury pool.

WHEREAS, personal information, as defined by 18 U.S.C §2725, in the master jury list shall not be redisclosed except to authorized recipients, as defined by 18 U.S.C. §2721, or by order of the court.

NOW, in consideration of the mutual undertakings and agreements hereinafter set forth, the OSCA and the Court agree as follows:

I. This agreement shall be effective ____________, 2002, and shall be in effect until such time as terminated by either of the parties.

II. The Court agrees that it shall use the personal information only for court functions, including, but not limited to, the qualified jury list, the jury panel, petit jury, grand jury and voir dire.

III. The Court agrees that it will not redisclose the personal information received from DOR except to authorized recipients as defined by state and federal law, or by order of the court.

In witness whereof the undersigned have executed this Memorandum of Agreement. At least two Jury Commissioners must sign the agreement.

_________________ ________  ___________________ ________  
Michael Buenger Date        Jury Commissioner Date

_________________ ________  ___________________ ________  
Jury Commissioner Date        Jury Commissioner Date

Appendix C
**PURCHASE REQUEST/PURCHASE ORDER**

**Date of Request:** 7/24/03  
**Division:**  
**Individual Making Request:** Tina Jones  
**Title:** Court Specialist  
**VENDOR:** CDW Computers Centers, Inc.  
200 North Milwaukee Avenue  
Vernon Hills, IL 60061  
**Attn:** Josh  
877-592-2199  
847-371-8833 (fax)  
**DELIVER TO:** Office of State Courts Administrator  
2112 Industrial Drive, P.O. Box 104480  
Jefferson City, MO 65110  
**BILL TO:** Office of State Courts Administrator  
2112 Industrial Drive, P.O. Box 104480  
Jefferson City, MO 65110

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<tr>
<th>Catalog Number</th>
<th>Description</th>
<th>Comment(s)</th>
<th>Unit Cost</th>
<th>Number of Units</th>
<th>Total Cost</th>
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**Shipping and Handling**

**TOTAL**

**JUSTIFICATION FOR REQUEST**

Barcode Readers for Juror software.

**Division and Function Code:**  
**Type of Purchase:**  
- Direct Order  
- State Contract  
- Other:  
**Date Ordered:** 4/9/01

**AUTHORIZATIONS(S)**

Individual Placing Order: Date: Courts Administrator (For amounts over $25,000) Date:

Rvsed 1/98
### Juror Qualification Form

**SUMMONS FOR JURY SERVICE**

By order of the Presiding Judge of the Circuit Court of XXX County, Missouri, you are hereby summoned to serve as a juror as indicated above. **IF YOU FAIL TO APPEAR AS DIRECTED BY THIS SUMMONS YOU MAY BE HELD IN CONTEMPT OF COURT AND Fined AS PROVIDED BY SECTION 494.450, RSMo.** Please bring this summons with you when you report for jury service. Do not return this section by mail. In case of emergency, or if you need an accommodation for disability, please call the following number at least one week in advance of your report date.

**PLEASE READ IMPORTANT INFORMATION ON BACK OF FORM**

**JUROR QUALIFICATION FORM** 

---

**NOTE:** Please Print

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
<th>Age</th>
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<table>
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<tr>
<th>Home Address</th>
<th>Home Phone</th>
<th>Work Phone</th>
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<tr>
<th>Mileage from your home to the XXX County Courthouse in XXX City (round trip)</th>
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<tr>
<th>1. Are you a United States citizen?</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>2. Do you live in XXX County?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>3. Do you read, speak, and understand English?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4. Are you on active duty in the armed forces or a member of the Missouri Militia on active duty under order of the Governor?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>5. Are you a licensed attorney at law or a judge of a court of record?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>6. Are you licensed and actually now performing the duties of a physician, chiropractor, dentist, pharmacist, or the clergy?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>7. Have you served as a juror during the past 12 months? If yes, when?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>8. Do you have a physical or mental disability that would interfere with or prevent you from serving as a juror? If yes, doctor's letter must be provided.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>9. Have you been convicted of a felony and not had your civil rights restored?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>10. Are you presently employed? Yes</td>
<td>No</td>
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**If no, state your last employer and occupation __________________________________________**

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<th>Marital Status</th>
<th>Single</th>
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<th>Divorced</th>
<th>Widowed</th>
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<th>Race:</th>
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<th>Gender:</th>
<th>Male</th>
<th>Female</th>
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<table>
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<tr>
<th>Spouse's employer and occupation</th>
<th>__________________________</th>
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<table>
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<tr>
<th>Do you have children under the age of 18?</th>
<th>Yes</th>
<th>No</th>
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<tr>
<th>Indicate your highest grade level completed</th>
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<th>Grade School</th>
<th>College</th>
<th>High School</th>
<th>Post Graduate</th>
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<table>
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<tr>
<th>Are you related to a law enforcement officer?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

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**PLEASE RETURN COMPLETED FORM WITHIN 10 DAYS AS DIRECTED ABOVE.**

**Additional questions may be continued on a following page.**

---

I swear/affirm under penalty of perjury that these facts are true according to my knowledge and belief.

**Juror’s Signature**

**Date**

---

OSCA (11/21/02) GNS90
JURY INFORMATION

(Optional for courts depending on specifics of Courthouse; recorded message, directions, etc.)

Visit www.mocourts.org for further general jury information.

---

CIRCUIT CLERK
COURT NAME
COURT ADDRESS
COURT CITY STATE ZIP

---

Postal Regulations Require that this Document be Sealed.
Tape only where indicated.
DO NOT STAPLE

TAPE HERE

OSCA (11/21/02) GN90
JUROR QUESTIONNAIRE
COMPLETE, SIGN AND RETURN THIS SECTION WITHIN 10 DAYS

By state law Gasconade County is required to compile a list of qualified persons from which jurors can be drawn for jury duty in the Circuit Court. Your name has been selected at random to go on this list. Please correctly complete the following statements, sign and return it to the Board of Jury Commissioners within 10 days of receiving it. Any prospective juror who fails to return a completed juror qualification form as instructed may be directed by the Board of Jury Commissioners to appear forthwith to fill out a juror qualification form.

THIS IS NOT A SUMMONS FOR JURY SERVICE.

Last Name ___________________________ First Name ___________________________ Middle Initial ______ Date of Birth ______ Age ______

Home Address: ___________________________ ☐ Check if this is a change in your home address.

1. Are you a United States Citizen? ☐ Yes ☐ No

2. Are you 21 years of age or older? ☐ Yes ☐ No

3. Do you live in Gasconade County? ☐ Yes ☐ No

4. Do you read, speak and understand English? ☐ Yes ☐ No

5. Are you on active duty in the armed forces or a member of the Missouri Militia on active duty under order of the Governor? ☐ Yes ☐ No

6. Are you a licensed attorney at law or a judge of a court of record? ☐ Yes ☐ No

7. Are you licensed and actually now performing the duties of a clergyman, physician, chiropractor, dentist or pharmacist? ☐ Yes ☐ No

8. Have you served as a juror during the past 12 months? When: ___________________________ ☐ Yes ☐ No

9. Do you have a physical or mental disability that would interfere with or prevent you from serving as a juror? If "yes," doctor’s letter must be provided. ☐ Yes ☐ No

10. Have you been convicted of a felony and not had your civil rights restored? ☐ Yes ☐ No

I am unable to serve: (please explain and sign bottom of form) This does not guarantee excusal. ___________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________

PERSONAL HISTORY

11. Marital Status ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Widowed

12. Name of Spouse ___________________________

13. Employer ___________________________

Occupation ___________________________

If Retired, Last Employer and Occupation ___________________________

14. Show the highest grade level completed

Grade School _______ High School _______

Technical/Trade _______ College _______

15. Home Phone ___________________________

Work Phone ___________________________

I swear/affirm under penalty of perjury that these facts are true according to my knowledge and belief.

X ___________________________

Juror’s Signature ___________________________

Date ___________________________

PLEASE RETURN COMPLETED FORM WITHIN 10 DAYS AS DIRECTED ABOVE
SUMMONS FOR JURY SERVICE

By order of the Presiding Judge of the Circuit Court of XXX County, Missouri, you are hereby summoned to serve as a juror as indicated below. IF YOU FAIL TO APPEAR AS DIRECTED BY THIS SUMMONS YOU MAY BE HELD IN CONTEMPT OF COURT AND FINED AS PROVIDED BY SECTION 494.450, RSMo. If you requested to be excused but were not contacted, you are not excused and you must comply with this summons.

PLEASE BRING THIS SUMMONS WITH YOU WHEN YOU REPORT FOR JURY SERVICE.

JURY INFORMATION:
(Optional for courts depending on specifics of Courthouse; recorded message; directions, etc.)

In case of emergency, or if you need an accommodation for a disability, please call the following number at least one week in advance of your report date (XXX)XXX-XXXX.

Visit www.mocourts.org for Missouri court information and general jury information.

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TERM OF SERVICE

OSCA (11/21/02) GN100