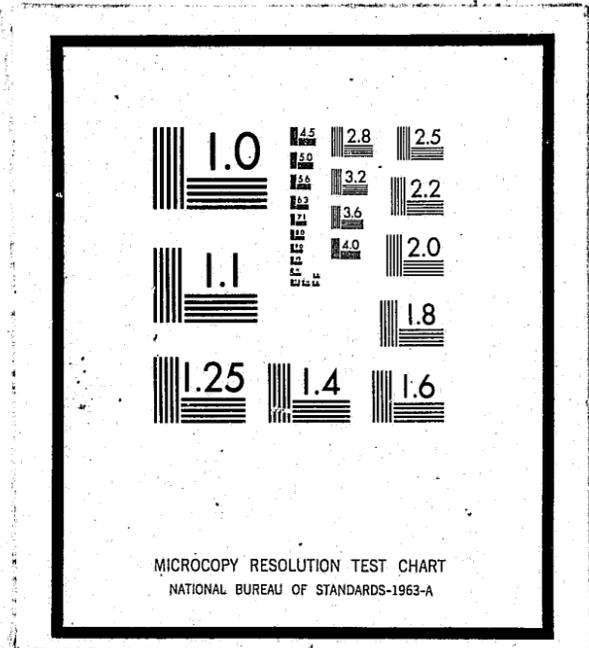


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Final Report

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SUGGESTIONS FOR IMPROVING JUROR UTILIZATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

July 19, 1971

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William A. Stoever

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SUMMARY

The purpose of this report is to propose a system for cutting down the excess of jurors called into the courthouse over the number who are actually required to supply the judges' needs. The proposed system is based on a four-month study of the number and timing of panels actually sent to voir dices compared to the number and timing of panels ordered by judges. The following conclusions and recommendations are the result of the study:

1. The total number of jurors ordered by the judges for a given day is almost always much larger than the number which is actually needed for voir dices. This is due to the frequency of postponements, cancellations, waivers of jury trials, settlements in civil cases and guilty pleas in criminal cases. These factors are largely beyond the judges' control, but they occur with sufficient regularity to be taken into account in planning the daily call-in of jurors.

2. An administrative system involving precise scheduling for starting times of jury trials is not feasible because of the many factors which cause starting times to vary widely. A court cannot be run as efficiently as a business

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because of the need to preserve procedural rights and safeguards. For this reason proposals for a precise schedule of staggered starting times of trials are unrealistic within the present operations of the court. However, the study has revealed that there is a natural spread of trial starting times throughout the day. The guidelines presented here are designed to take advantage of this naturally-occurring spread rather than to force the court to adopt a new system.

3. The needs of the court could be supplied if there were 270 jurors available on the Return Day (the first day of each two-week jury term) during the court's busy season from September through June. This number should be reduced during the court's slack summer season. If the number of judges trying cases is increased, the jury clerk may have to increase the number of jurors called in on Return Days correspondingly.

4. Grand jurors should be selected from the same pool as petit jurors. The Return-Day call-in should be increased by approximately 30 when a grand jury is to be selected.

5. Guidelines have been developed for the number of jurors to call in each day following the Return Day. Section IV, "Handbook for the Jury Clerk," sets forth a table for the jury clerk to apply for each combination of orders from judges. The recommended system would make it possible to reduce the number of jurors called in by approximately one-third. Section III, "Analysis of the Recommended System," shows how the guidelines could have been applied to the actual juror utilization during the study period. The study demonstrated that there

would very seldom be any delays in supplying panels for voir dires if the recommended system were adopted, and any delays which did occur would be only a matter of minutes. Savings from the recommended system would amount to 13,000 juror-days and \$300,000 in jurors' fees each year in the Southern District of New York.

6. Additional savings could be obtained if the size of panels sent to criminal and civil voir dires was reduced. The study showed that a panel of 35 prospective jurors would be sufficient for selection of a 12-man jury plus two alternates in most every single-defendant criminal case. Significant savings could also be obtained if judges trying cases with multiple defendants or unusual publicity or length would agree to start the voir dire with ordinary-sized panels and then to take additional prospective jurors later if needed. Panels of 25 prospective jurors are recommended for all civil cases with 12-man juries. Panels of 18 are recommended if 6-man civil juries become the rule in the courthouse.

7. Judges should be aware of the costs of the jury system, both in terms of jurors' fees paid by the courts and of the time which jurors are forced to divert from other activities. Judges may wish to exercise restraint in ordering panels when they know that there is really very little chance that the panels will be used.

8. The role of the judges' courtroom deputies in communicating the judges' needs to the jury clerk should be increased. Deputies must keep informed as to their judges' plans regarding scheduled trials, probability of pleas

and settlements, and other information which would be helpful to the jury clerk in planning the call-in.

9. After the judges have agreed to its adoption, the recommended system can be put into effect simply by a directive from the Chief Judge to the jury clerk. The system does not require any changes in the judges' established procedures for ordering jury panels. It can be operated by personnel in the jury office. The body of this report presents a table and instructions for the jury clerk to use in putting the system into effect. The system has the advantage that it can be adopted gradually and can be partially retracted if judges feel that the call-in has been cut too low.

10. The emphasis in the instructions given to the jury clerk should be shifted from "Don't run any risk of ever being caught short" to "Don't delay supplying panels too often." This would increase the clerk's discretion to use the "feel" he has acquired for the court's need for jurors.

11. A balance must be struck between reducing costs and wasted time of jurors and assuring little or no delay in sending panels to courtrooms as they are requested. The present system of assuring minimum delay is to call in many more jurors than are usually needed, with the result of unnecessarily high costs and much wasted time. The study has shown that the recommended system could result in a significant reduction of juror costs and wasted time at a very small cost in terms of a few minutes' delay per month in supplying panels.

## GLOSSARY OF TERMS

Certain terms have been given specialized meanings in this report. Most of these are defined in context, but a few usages should be clarified here:

"Juror" refers to any person who has been called in for jury service, whether actually sitting on a case or waiting in the jury lounge to be sent to a voir dire. Occasionally the term "prospective juror" is used to mean the same thing. The proper term might actually be "venireman," but this term is not in common use in the courthouse.

"Called in" refers to the prospective jurors who report into the jury lounge each day in order to be available for voir dires if needed. The noun "call-in" refers to the total number of jurors who have been called in.

"Panel" refers to the group of prospective jurors sent from the jury lounge to attend a voir dire.

"Jury" refers to a group of jurors (customarily 12) who have been selected in a voir dire and are actually sitting on a case.

"Order" refers to a statement by a judge or his courtroom deputy to the jury clerk that the judge may need a panel of jurors on some following day.

"Request" refers to a call from a judge on the morning or afternoon of a trial that the judge is then ready to begin

a voir dire and wants a panel to be sent to his courtroom.

"Used" has two different meanings, depending on the context. When referring to the appropriate call-in for a given day, it means the number of jurors who have been sent from the jury lounge to attend a voir dire. When referring to the appropriate sizes of panels to send to voir dire, it means the number who have been excused, challenged, or selected to serve on a jury during the course of a voir dire.

"Courtroom deputy" includes "court clerk" or any other person on a judge's staff who communicates with the jury clerk.

"Jury clerk" includes any member of the jury staff who performs the functions described in the report.

I. STATEMENT OF THE PROBLEM

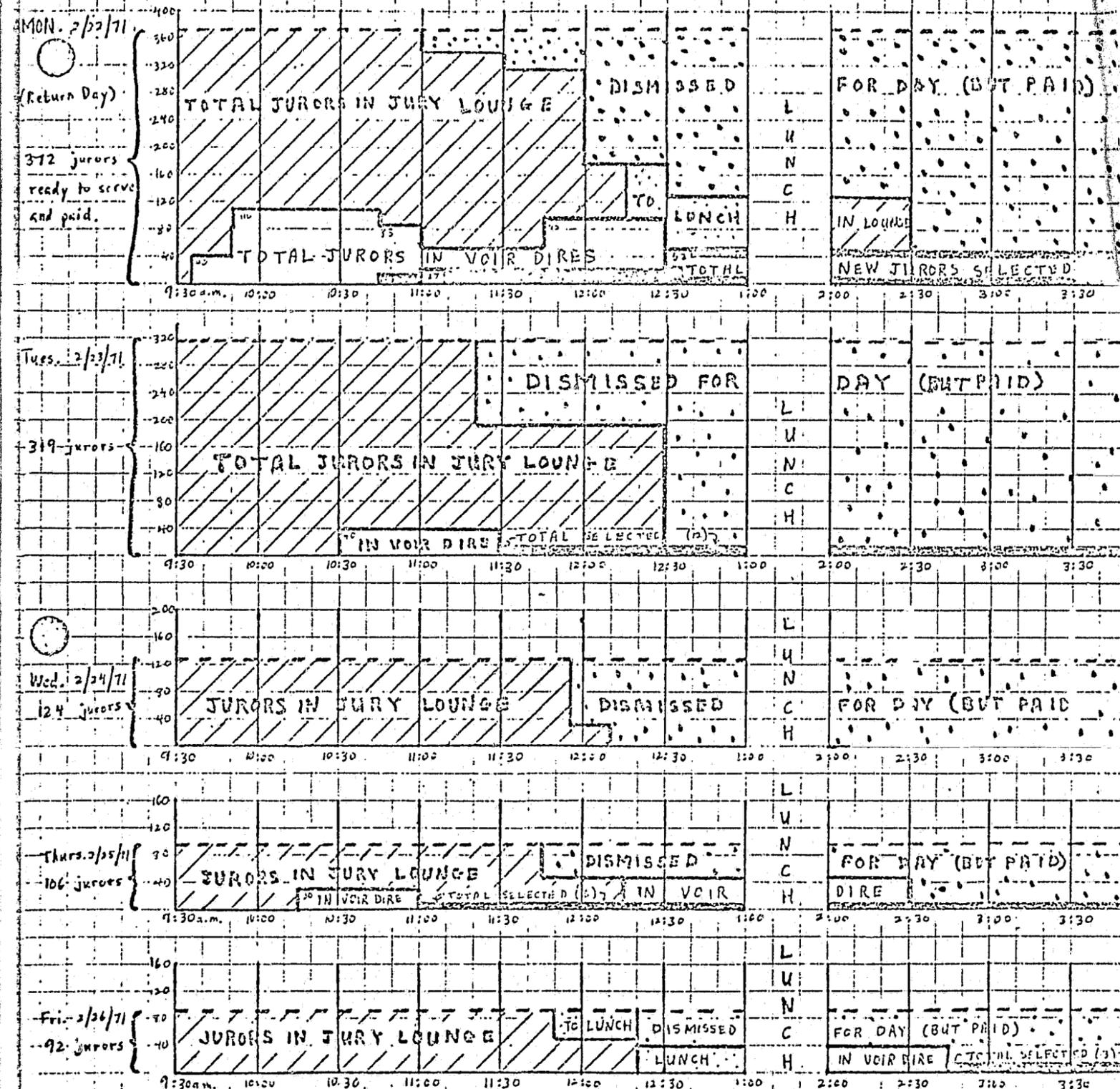
In order to be sure to have enough jurors available to fill any possible need of the judges, the practice in the United States District Court for the Southern District of New York has been to call in many more than the number which usually proves to be needed. There is a general attitude that it is better to pay hundreds of jurors to sit and wait rather than allow even a slight possibility that a delay could occur when a panel is requested. The result has been that less than half of the jurors called into the courthouse on an average day ever attend a voir dire. The remainder are paid by the government to wait for hours in the jury lounge. Table 1 summarizes findings as to the percentage of jurors and the degree of utilization at each stage of the jury selection process during the period February through May 1971.

TABLE 1. DEGREE OF JUROR UTILIZATION

Day	Average Number Available	Average Sent to a Voir Dire		Average Selected as Juror or Alternate	
		No.	%	No.	%
Monday	300	199	66%	55	18%
Tuesday	223	83	37%	24	11%
Wednesday	162	79	49%	19	12%
Thursday	124	38	31%	11	9%
Friday	57	20	35%	5	9%
Avg. Mon. thru Fri.	175	84	48%	24	14%

Table 1 shows that the average daily call-in during the research period was 175 jurors, of whom 84, or 48%, were sent to voir dres. This means that an average of 91 people remained sitting in the jury lounge for the entire day. Only one person in seven was actually selected as a jury member or alternate. Monday was the only day on which more than half of the available jurors were sent to voir dres, but because of the large number called in there were still over 100 people who waited the entire day in the jury lounge. On Tuesdays through Fridays an average of less than 40% of the available jurors attended voir dres.

During the research period data was kept on the sizes and times of panels sent to voir dres. An illustration of the hour-by-hour use actually made of jurors in a typical week is shown in Chart 1, "Juror Utilization in the Week of February 22-26, 1971," on the next page. On the chart there is a separate graph for each day of the week. On each graph the vertical axis represents the number of jurors (40 jurors per space), and the horizontal axis represents the time of day (10 minutes per space). The chart shows that the number of jurors called in falls off markedly towards the end of the week, and also that most jurors are dismissed between 11:30 a.m. and 1:00 p.m. when it is certain that they will not be needed for the rest of the day. The area shaded diagonally represents the number of jurors available and waiting in the jury lounge, while the clear area beneath it represents the



EXAMPLE. On Monday morning, February 22, there were 372 jurors available to serve. Panels were sent to voir dres at 9:35 and 9:50 (two panels). At 10:45 selection of the first 13 jurors and alternates was completed, and the 27 jurors left over from that voir dire returned to the jury lounge and were available for another voir dire. At 11:00 another voir dire was completed and 28 more jurors returned. At 11:45 40 more were sent out, and at 12:30 56 more returned. The clear area representing jurors in voir dres was never more than 110 units (jurors) high, and the shaded area above the clear area was never fewer than 372-minus-110, or 262, jurors available and waiting in the jury lounge.

number of jurors attending voir dices. The gray-shaded area at the bottom of most of the graphs represents the total number of jury members and alternates selected each day. On Wednesday there were no voir dices and no juries selected, and on Friday the only voir dire and jury selection took place in the afternoon. At no time (except Friday afternoon) were as many as one-third of the available jurors actually participating in a voir dire or sitting on a jury.

Table 1 and Chart 1 show that there is frequently an excess of jurors called into the court. Most of the jurors are called in to supply panels for scheduled trials, many of which are subsequently cancelled because of postponements, waivers of jury trial, settlements of civil cases, or guilty pleas in criminal cases. Also some panels are ordered because judges think they might wind up previous trials or preliminary motions, and they want to have panels available in case they are able to start their next trials. Experience has shown that few of the panels ordered on such contingent bases are used, and even many of the panels "definitely" ordered are cancelled after the jurors have been called in. However, the jury clerk has been instructed never to delay in supplying panels for voir dices, even for a brief period. Therefore he must call in enough jurors to fill all the judges' orders even though he knows there is only slight chance they will be needed.

The basic idea behind the recommended system of juror call-ins is for the jury clerk to call in fewer than the number

of jurors actually ordered by the judges for any given day. At the same time the system is designed to have enough jurors on hand so panels can be supplied within a reasonable time after they are requested in the rare instances where requirements are higher than predicted. The suggested guideline is to call in enough jurors to fill approximately two-thirds of the orders simultaneously, with modifications downward when many of the orders are doubtful. The system would work equally well with either a master calendar or an individual assignment system since all the jurors are kept in a "pool" in a common room and can be allocated to those judges who actually need them.

Under this system there would be a possibility that on some particular day an unexpectedly large percentage of the panels ordered would actually be requested for voir dices. Because of the spread of starting times throughout the day, the required jurors for later voir dices could almost always be supplied from those who had returned from earlier voir dices. If sufficient jurors had not yet returned from earlier voir dices, the requested panel would be delayed until enough jurors were available, later that same morning. The study indicates that such delays would probably occur once a month or less and would be a matter of minutes, probably never as long as an hour. In return for the risk of occasional delays, the proposed system could cut down considerably on the excess call-in of jurors and the concomitant wastage of juror fees and juror time.

## II. ANALYSIS OF THE PRESENT SYSTEM

### A. HOW THE JURY CLERK DETERMINES THE NUMBER OF JURORS TO BE CALLED IN

The number of jurors summoned on Return Days is set approximately two months in advance, when the summonses are mailed out. It cannot be altered according to the needs which actually exist on a particular Return Day because most orders for jurors are received less than a week in advance. Therefore the jury clerk simply summons enough to satisfy any anticipated need during the entire jury term.

During the rest of each two-week jury term the clerk can dismiss a number of the jurors when he knows they will not be needed. Each day he determines the number to call in for the next day by obtaining each judge's order for jurors. This requires good communications between the jury clerk and the judges' courtroom deputies, as well as courtroom deputies who keep well-informed as to their judges' plans for future trials and possible needs for jurors. The network of communications works reasonably well in the Southern District of New York. The jury clerk keeps track of the judges who are hearing motions or conducting non-jury trials, and he follows the progress of jury trials which are in session.

Thus he knows which judges may be needing jury panels in the coming days. Each day towards the end of the morning he calls, or is called by, the courtroom deputies for those judges. Some judges may order panels at specific times, while others may order panels on "hold" or may not need panels at all. Most of the orders state what size panel is needed.

The most definite order is "10:00 a.m. in court," when the judge believes that there will be no last-minute motions or other delays and the lawyers will be in court and ready to start at that time. The second most definite order is for a specific time, most commonly "10:00 a.m.," when the judge believes that there will probably be no delays. Orders in these two categories often go forward with voir dieres within an hour of the time scheduled, but delays and cancellations are quite common.

Less definite orders are for "10:00 a.m. hold" or "10:00 a.m. ?" or for later in the morning or afternoon. These are generally given when the judge expects that there may be a last-minute motion or similar delay, or when he expects a settlement or a guilty plea. Orders of this nature are more likely to be postponed or cancelled entirely.

In addition to the categories of orders described so far, there are a variety of instructions which may be given depending on the particular circumstances. The judge may explain that he is involved in a trial in which he expects to be able to charge the jury the following morning and thereafter expects

to be able to go forward with the voir dire for another trial. Another possibility is that the judge may personally be ready to begin the trial but may have to wait until one of the lawyers is free from another trial. Sometimes the courtroom deputy (or whoever is reached in the judge's chambers) may simply not know the judge's plans with respect to jury panels. These and similar cases would be entered on the jury clerk's worksheet as "?", because it is difficult to predict whether or when a panel will be needed.

Once his communications from the courtroom deputies are received, the jury clerk estimates the need for jurors for the next day. Because of his instructions never to run short of jurors, he generally aims to call in enough jurors to fill simultaneously all of the panels ordered for definite times, plus enough jurors to fill most of the "hold" orders and perhaps some of the "?" orders. In situations where there are a number of "hold" or "?" orders or where the total number of jurors is very large (200 or more), he may cut down the call-in below the maximum possible order because of the predictability that not all of the panels ordered will be requested simultaneously. However, he generally does not reduce the call-in more than 10% to 20% below the total ordered.

As a general rule, the number of jurors ordered decreases each succeeding day of the week. Therefore the jury clerk is usually able to dismiss a few additional jurors

each day. During the first week of the two-week jury term he dismisses them until the following Monday (alternate Monday), and during the second week he dismisses them for good. Occasionally if he has a low total order for one day and the possibility of a higher order for the following day, he dismisses some jurors for a single day.

B. TIMING OF VOIR DIRES

Chart 2, "Examples of Utilization and Timing of Jury Panels in the Southern District of New York," is on the following eight pages. The chart shows the actual amount and times of juror utilization on Monday 4/26/71 and for the three-week period of Monday 3/15/71 through Friday 4/2/71. The isolated Monday 4/26/71 was selected because of the comparatively large number of voir dres and the spread in the starting times of the voir dres. It was not a Return Day, so the number of jurors called in could be more closely related to the number actually ordered by the judges. The three-week period was selected because it is typical of the frequency and distribution of jury trials in the Southern District of New York. Following the chart there is a discussion in the text.



the day (at 10:50, 12:20 or 2:00 p.m.). The total number of jurors attending voir dices at any given time can be found by adding the left-end figures of all the voir dices in progress at the time plus the right-end figures (jurors selected) of all completed voir dices. For example, between 10:50 and 11:00 a.m. 12 jurors had been selected in the first voir dire and there were 211 (40 + 40 + 40 + 30 + 30 + 31) jurors attending the next six voir dices, for a total of 223 jurors in "use." This was the highest number in use at one time during the day, and therefore this figure appears as the "maximum jurors needed simultaneously."

At 12:00 noon selection had been completed for seven juries totaling 77 jurors, and there were 240 jurors (= 317 - 77) waiting in the jury lounge or in "storage." At this time 170 of these 240 were dismissed for the day, 30 were dismissed for lunch and told to return at 1:30 p.m., and 40 were kept waiting until they were required for a voir dire at 12:20. This latter voir dire was completed after lunch, at 2:00 p.m., and the 28 non-selected jurors were dismissed for the day. The 30 jurors dismissed for lunch at 12:00 returned and were sent to a voir dire at 2:00

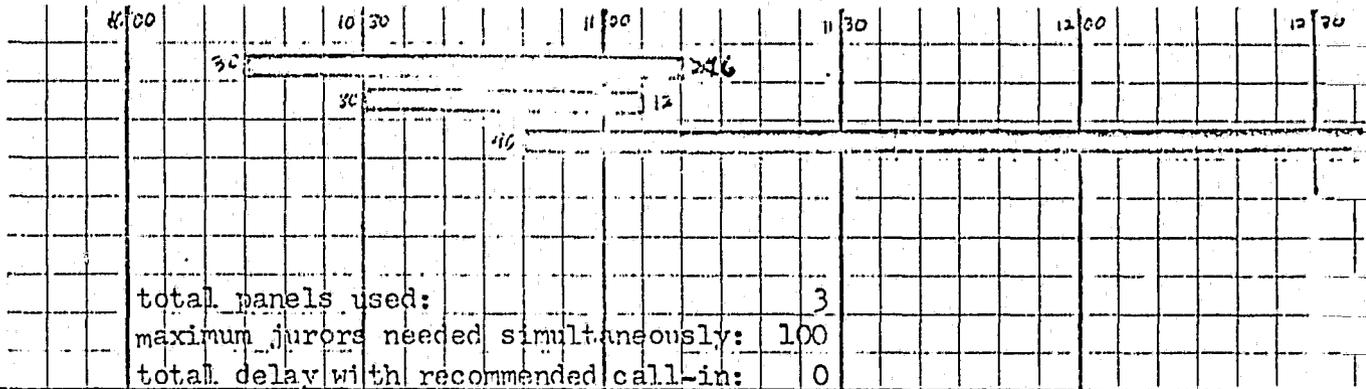
# DAILY ORDERS

## ACTUAL AMOUNT AND TIME OF UTILIZATION

Monday 3/15/71 (not Return Day)

	no. (panels)	
ordered:	60 (2) civil hold	
	40 (1) crim. hold	
	40 (1) crim. "?"	
	30 (1) civil "?"	
total:	170 (5)	

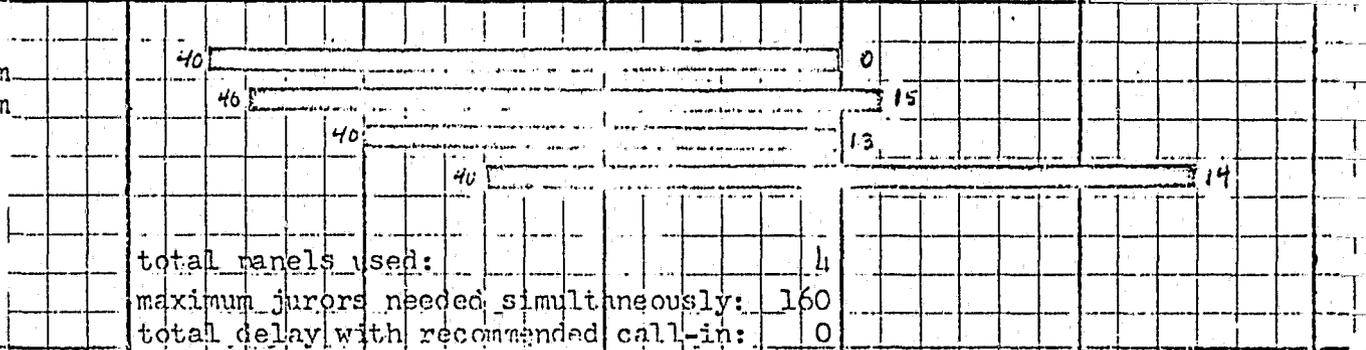
	fees
called in:	247 \$5750
recommended call-in:	103 2398
SAVING:	144 \$3352



Tuesday 3/16

ordered:	no. (panels)	
	240 (6) crim. hold a.m.	
	40 (1) crim. hold p.m.	
	40 (1) crim. "?"	
total:	280 (7) for a.m.	

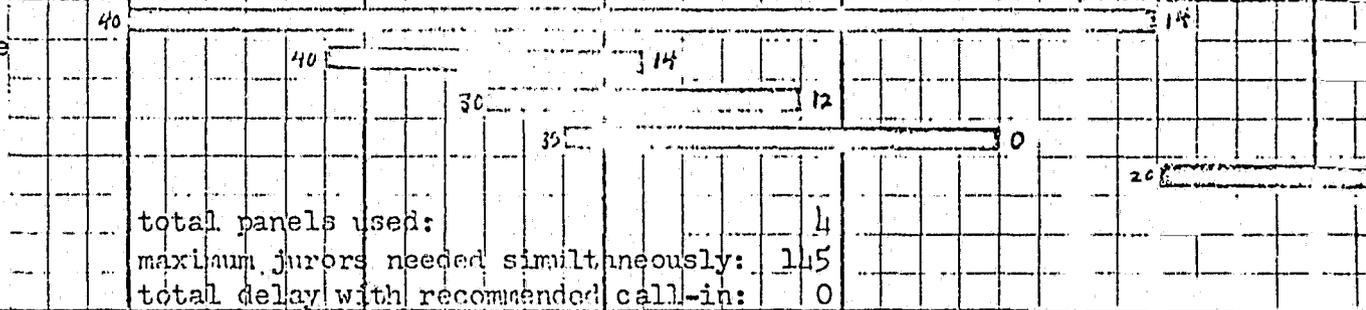
	fees
called in:	231 \$5376
recommended call-in:	187 4353
SAVING:	44 \$1025



Wednesday 3/17

ordered:	no. (panels)	
	80 (2) crim. definite	
	80 (2) crim. hold	
	90 (3) civil hold	
total:	250 (7)	

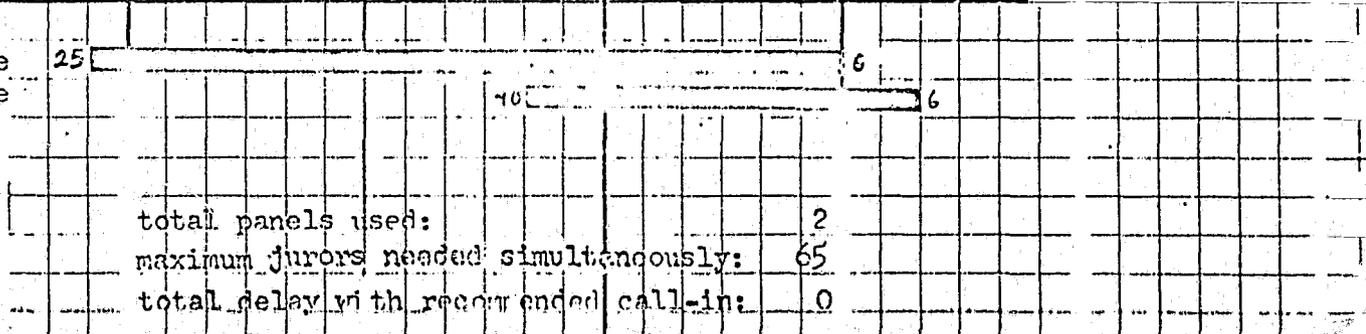
	fees
called in:	178 \$4114
recommended call-in:	163 3795
SAVING:	15 \$349



Thursday 3/18

ordered:	no. (panels)	
	40 (1) crim. definite	
	35 (1) civil definite	
	25 (1) civil hold	
	? (2) "?"	
total:	100 (3) plus 2 "?"	

	fees
called in:	144 \$3352
recommended call-in:	75 1746
SAVING:	69 \$1606



# DAILY ORDERS

Monday 3/22/71 (Return Day)

ordered:	no. (panels)	
	235 (5) crim. hold	
	40 (1) crim. "?"	
	108 (4) civil hold	
total:	383 (11)	
summoned & present:	341	fees \$7938
(no recommended call-in:	Return Day)	

Tuesday 3/23/71

ordered:	no. (panels)	
	120 (3) crim. hold	
	30 (1) civil hold	
	? (1) "?"	
total:	150 (4) plus 1 "?"	
called in:	182	fees \$4237
recommended call-in:	90	2095
SAVING:	92	\$2142

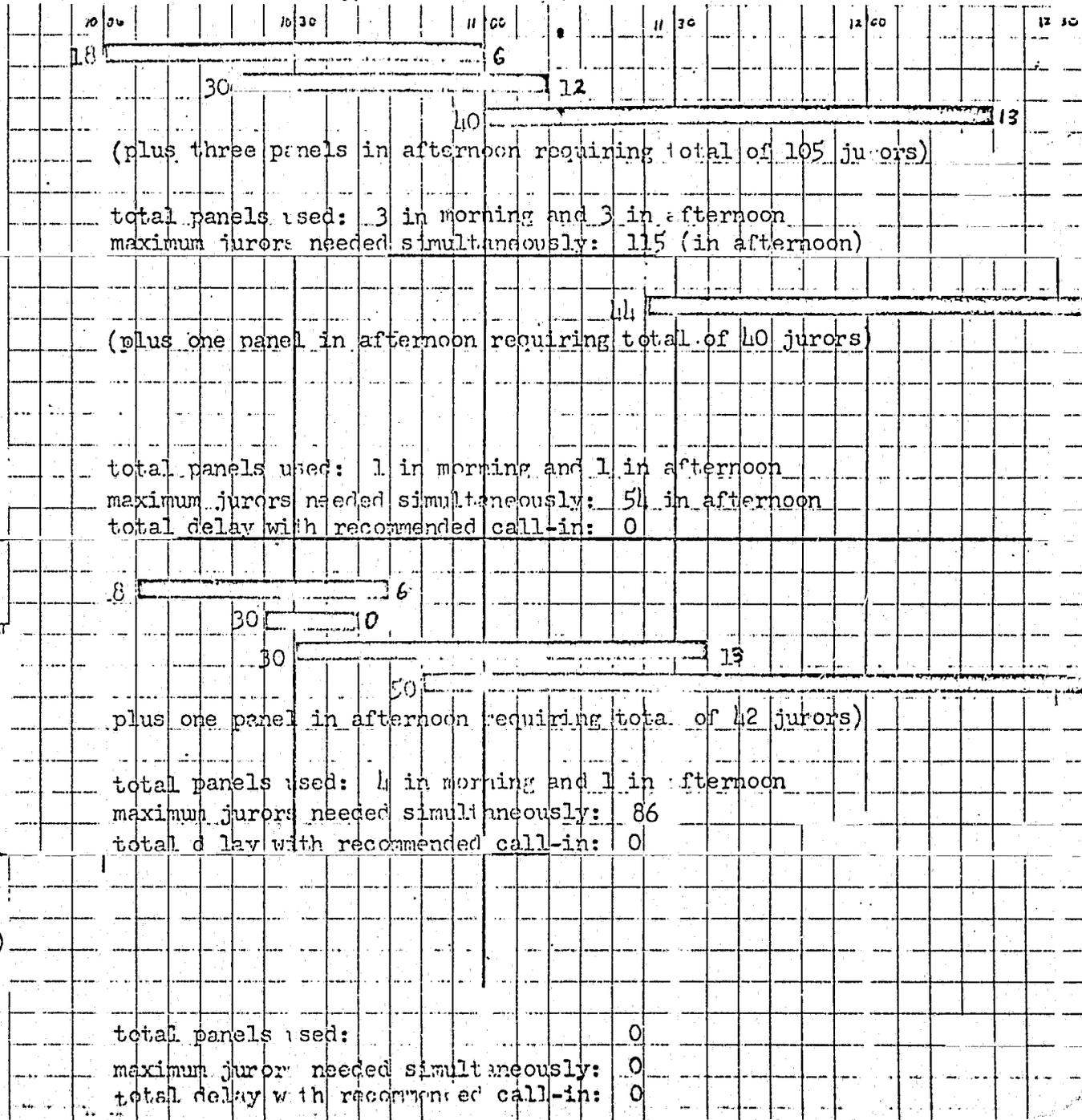
Wednesday 3/24/71

ordered:	no. (panels)	
	90 (2) crim. hold a.m.	
	40 (1) crim. 10:30 ?	
	98 (4) civil hold	
	40 (1) crim. p.m.	
total:	228 (7) a.m.	
called in:	190	fees \$4123
recommended: approx.	150	3492
SAVING:	40	\$ 931

Thursday 3/25/71

called in:	no. (panels)	
recommended: perhaps	? (4 judges unknown)	
SAVING:	40 (1) crim. p.m.	
	164	\$3818
	80	1862
	84	\$1956

# ACTUAL AMOUNT AND TIME OF UTILIZATION



Friday 3/26/71

ordered:	<u>80</u>	(2) crim. hold
	<u>60</u>	(2) civil hold
total:	<u>140</u>	(4)

		fees
called in:	70	\$ 768
recommended call-in:	70	768
SAVING:	0	\$ 0

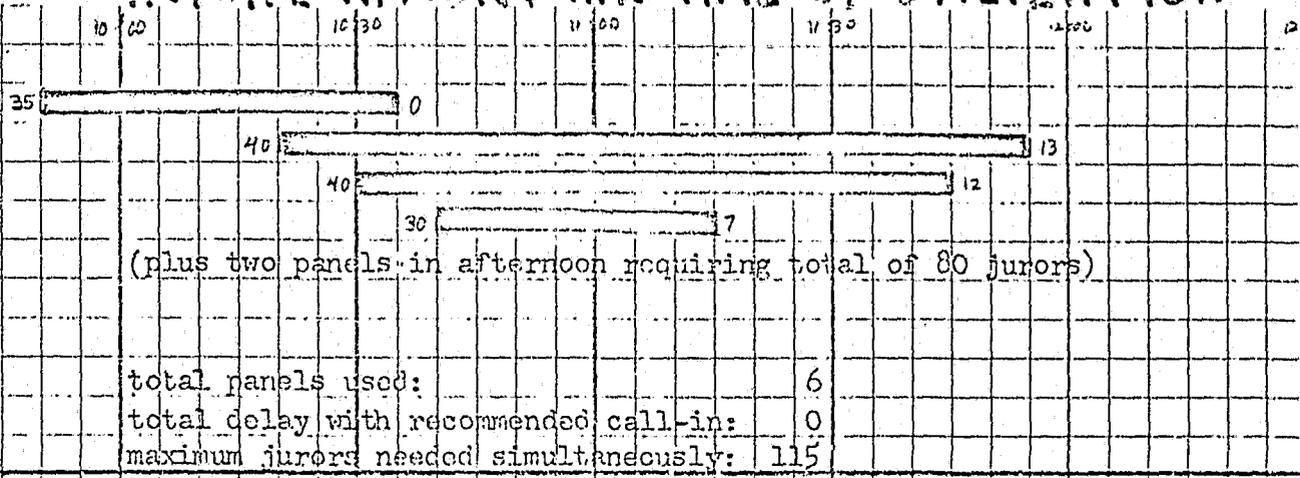
total panels used:	1
maximum jurors needed simultaneously:	30
total delay with recommended call-in:	0

# DAILY ORDERS

Monday 3/29/71 (not Return Day)

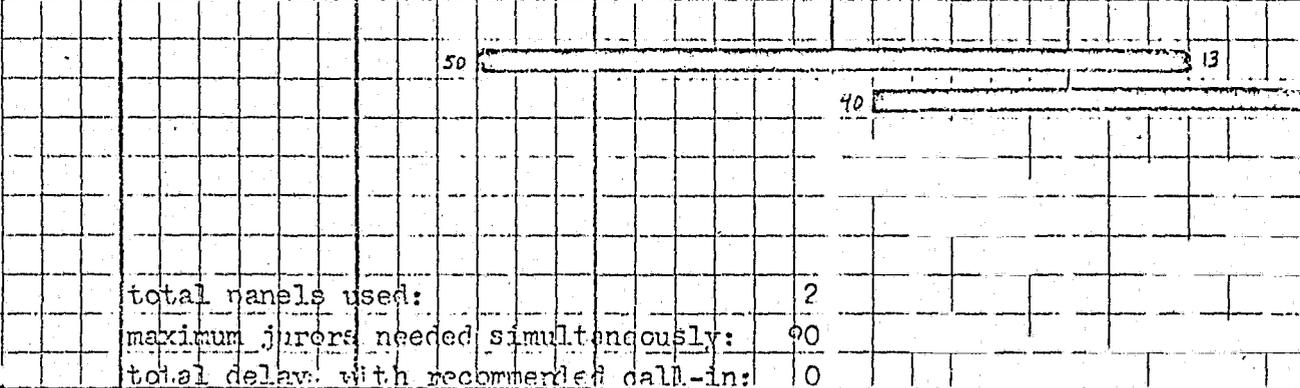
ordered:	no. (panels)	
	80 (2) crim. definite	35
	75 (2) crim. hold	
	80 (3) crim. "?"	
	30 (1) civil definite	
	60 (2) civil "?"	
	? (1) "?"	
total:	325 (9 plus 4 "??")	
called in:	292	fees \$6798
recommended call-in:	219	5098
	73	\$1700

## ACTUAL AMOUNT AND TIME OF UTILIZATION



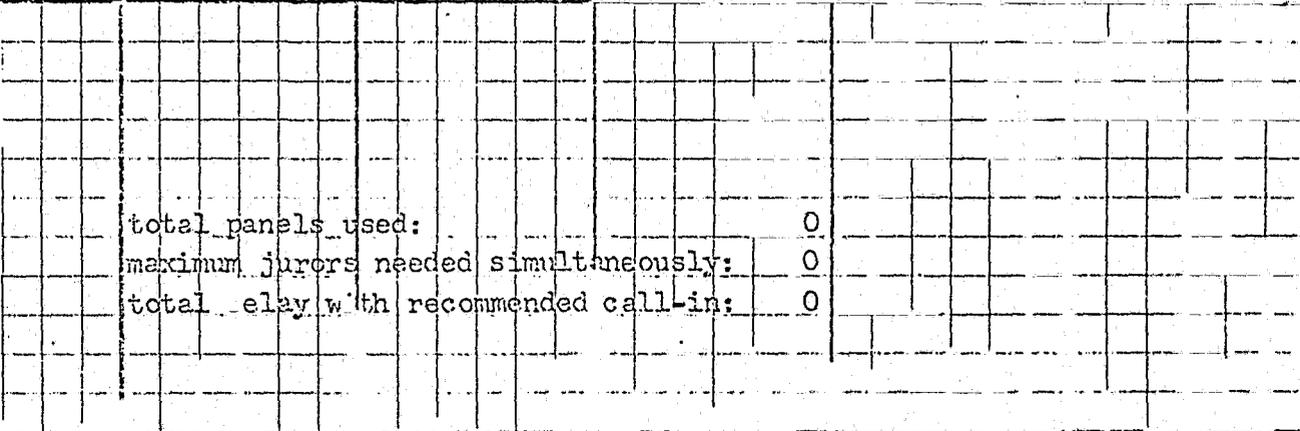
Tuesday 3/30/71

ordered:	no. (panels)	
	70 (2) civil hold	50
	40 (1) crim. hold	
	80 (2) crim. "?"	
	40 (1) crim. p.m.	
total:	190 (5) for a.m.	
called in:	189	fees \$4400
recommended call-in:	127	2957
SAVING:	62	\$1443



Wednesday 3/31/71

ordered:	no. (panels)	
	35 (1) crim. hold	
	30 (1) civil hold	
	? (3) "?"	
	65 (2 and 3 "??")	
called in:	164	fees \$3818
recommended: perhaps	100	2328
SAVING:	64	\$1490



rsday 4/1/71

ered:                    no. (panels)  
                           (2) hold  
                           (3) "?"  
                           (5) questionables)

led in:	121	fees	total panels used:	0
ommended: perhaps	<u>65</u>	\$2817	maximum jurors needed simultaneously:	0
AVING	56	1513	total delay with recommended call-in:	0
		\$1304		

day 4/2/71

ered:                    (1) possibly

led in:	42	fees	total panels used:	0
ommended: perhaps	<u>42</u>	\$ 978	maximum jurors needed simultaneously:	0
AVING:	0	978	total delay with recommended call-in:	0
		0		

#### B. TIMING OF VOIR DIRES

At the top of the chart for Monday 4/26/71 is a list of the orders for jury panels, with the orders broken down by categories according to their degree of "definiteness." Two criminal panels and one civil panel were ordered "in court." (This is the most definite type of order given, but even so one of the three panels, an order for 60 prospective jurors, was not used because a guilty plea was obtained just before the trial was to begin.) There were also orders for three criminal panels and four civil panels on "hold." This made ten panels with a total of 370 jurors ordered for the morning. Therefore the recommended call-in would have been two-thirds of 370, or 247.

One panel was also ordered for the afternoon, but orders for the afternoon can be disregarded in calculating the day's call-in since afternoon panels can be made up from leftover jurors from the morning (provided several panels have been ordered for the morning).

Beneath the listing of orders is a graph showing the size and times of panels which were actually sent from the jury lounge to courtrooms to attend voir dires. On the horizontal scale each space of the graph represents a

five-minute interval, beginning at 9:45 a.m. and running until mid-afternoon. The heavy black bars indicate the times during which panels were attending voir dires. The number at the left of each bar shows the size of panel which was sent out, and the number at the right shows how many prospective jurors were actually selected to serve on the jury. The number of jurors returning to the courtroom from a given voir dire can be found by subtracting the right-hand from the left-hand number. For example, the first panel of 40 jurors was sent out of the jury lounge at 9:50 a.m. By 10:45, 12 jurors had been selected. The remaining 28 jurors returned to the lounge and were available for a second voir dire if needed.

The number of jurors in use (attending voir dires or selected to serve on juries) at any time can be found by adding the left-hand figures (panel sizes) for all voir dires still in session plus the right-hand figures (jurors selected) for all the voir dires completed by that time. For example, from 10:50 to 11:00 there were 223 persons attending voir dires, the highest number all day. This number is entered at the bottom of the graph as "maximum jurors needed simultaneously." Thus the recommended call-in of 247 would have been large enough to supply the maximum number needed simultaneously but would not have left a great excess in the jury lounge.

The non-selected jurors from the first six panels could have supplied the last three panels of the day.<sup>1</sup> Of the 247 jurors called in, 74 would have attended two voir dires and the remaining 173 would have attended one. This is an example of very high juror utilization.

If the seventh voir dire had begun before 10:45 or the eighth before 11:00 and the call-in had been the recommended figure of 247, the jury clerk would have had to delay sending panels to those voir dires (although it is highly unlikely that seven or eight voir dires would begin so early in the day). Thus the possibility of some delay would have existed, although no delay would actually have occurred. However, because the jury clerk has been instructed not to allow even the possibility of delay, he had to call in considerably more than the 247 persons recommended here. As a result, many jurors waited the entire morning without attending a voir dire. If the clerk were allowed to run the risk of some delay, the number of jurors called in could be cut down considerably even though the actual delays would be very infrequent.

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1. The seventh panel of the morning (the one with 31 jurors, which left the jury lounge at 10:50) could have been made up of the last 27 jurors left in the jury lounge plus 4 of those who had just returned at 10:45 from the first voir dire.

As stated earlier, the chart for Monday 4/26/71 illustrates how the recommended system can handle days of high utilization, which are the most difficult. The remainder of Chart 2 illustrates juror utilization and timing on the more typical days during the three weeks from 3/15/71 through 4/2/71. The daily orders appear on the left side of the page, with graphs illustrating the timing on the right. The graphs show timing only for the mornings, because most panels are used in the morning's and afternoon panels can be made up from the morning's leftovers. An examination of these weeks (and of the data in Table 4) reveals many days on which large numbers of jurors were ordered and few were sent to voir dires. On most days one to four panels were actually sent out of the jury lounge, although the number of panels ordered was usually higher than this (On average, only 10.2 jury trials per week actually proceeded with voir dires.) On days with so few trial starts there would be no risk of delays in supplying panels under the recommended system of reduced call-ins.

If the "maximum number of jurors needed simultaneously" is larger than the "recommended call-in," it shows that there would have been a delay in sending a panel to a voir dire at some point during the day. Such delays were calculated and listed at the bottom of each graph as "total delay with recommended call-in." No delays in providing panels for voir dires would have occurred on any of the days covered in Chart 2.

### III. ANALYSIS OF THE RECOMMENDED SYSTEM

#### A. EFFECT OF REDUCED CALL-INS ON JUROR UTILIZATION, FEBRUARY-MAY 1971

Table 4, "How the Recommended System Could Have Been Applied, February-May 1971," appears in the Appendix. The table gives a recommended call-in for each day of the four-month study. The recommendation is based on the orders given to the jury clerk by noon of the previous day, when the call-in was determined. The table should offer helpful examples for a jury clerk who is deciding how many jurors to call in under the proposed system. The comments on the right-hand side of each page of the table (opposite the recommended call-in for each day) tell how the recommended figure was determined. The following explain some of the comments:

- a) A standard call-in of 270 was recommended for each Return Day.
- b) On many days when the total order was fairly large and fairly definite, the guideline of two-thirds-of-maximum-demand was followed.
- c) On days when two or three panels were ordered, Table 3 was used for a guideline. (Table 3, "Recommended Call-In: Panel Sizes of 40 for Criminal Voir Dires and 25 for Civil Voir Dires," appears later in this report in the section

entitled "Handbook for the Jury Clerk.")

d) There were some days on which the jury clerk called in fewer jurors than the number recommended in Table 3. On such days the clerk's call-in was entered as the recommended number, in reliance on the jury clerk's discretion.

e) There were several days on which a large percent of the orders were "?" or other indications that they were quite indefinite. On such days the size of the call-in was somewhat arbitrary, and it was simply commented "hard to determine call-in."

f) Alternate Mondays occasionally present a special problem, since the number called in on such days sets the maximum for the total number of jurors which can be called in for the rest of the week. For this reason the recommended call-in for Monday 3/15/71 is 180 even though the two-thirds guideline would be 113.

The bottom line for each day shows "total delay with recommended call-in." If the recommended system had been adopted, in the entire four-month period of the study there would have been only two delays in supplying panels. On Thursday 3/11/71 and on Wednesday 5/5/71 there would have been delays of 10 to 15 minutes in supplying panels for the second voir dire of each day. (Possibly these delays could have been avoided or lessened if the jurors who were challenged or excused in the first voir dire each day had been sent back to the jury lounge as soon as the challenges or excuses had occurred.) This does not guarantee that the adoption of the recommendations in this report will never result in more than

one 10-minute delay every two months, but it does indicate that the system is well adapted to filling the needs of the court for jurors while causing very few delays in supplying panels.

The jurors called in during the study provided a total of 14,361 available juror-days. At an average cost of \$23.28 for fees and mileage, the total cost of having these jurors available was \$334,322. (These figures do not include jurors or fees for service after the day of selection on cases which lasted more than one day.) This works out to an average of slightly over \$20,000 per week to keep jurors available for possible trials. Table 4 shows that a total of 4913 juror-days costing \$114,372 could have been saved by application of the recommended system in the Southern District of New York during the four-month study. Projected savings for the entire year would be over 13,000 juror-days and \$300,000.

Jurors' fees are a direct cost which must ultimately be borne by the taxpayers. In addition to this direct cost, there are the indirect costs to the economy resulting from lost wages and lost man-days of production. Some employees are paid full or part wages by their employers while they are serving on jury duty. Other employees must forego their wages. In either case somebody must bear the cost of the lost working day. In a survey of 500 jurors during the research period, 62% were found to be wage-earners, 12% were "executives" or "professional," and 26% were housewives, retired, or unemployed. If we assume the average daily wage of persons in the first category is \$27<sup>2</sup> and

2. source: Bureau of Labor Statistics, preliminary figure for March 1971 for New York metropolitan area.

the average daily earning of the second category is double this,<sup>3</sup> the cost to the economy of 13,000 lost man-days of production would be over \$300,000. A rule of thumb might be that for every dollar of jurors' fees and mileage paid by the courts, there was another dollar's worth of production lost to the economy. Thus every order for criminal panel could cost as much as \$1000 per day to the court system and another \$1000 of lost production to the economy, whether or not the panel is used for a voir dire.

In economic terms, the above figures indicate that a balancing of costs (or of "priorities") must be employed in the decision of how many jurors to call in on a given day. There is a cost to society if a judge, a courtroom, and all of the parties, lawyers, witnesses and courtroom personnel have been assembled for a trial and then are required to delay for some minutes until enough jurors can be supplied for a panel. But there is also a very significant cost in the attempt to avoid all risk of delay at the moment the voir dire is to begin. The means of avoiding risk of delay has been to call in the maximum number of jurors which might be needed, rather than limiting the call-in to the number which probably will be needed. The result has been a great waste of jurors' time and fees on many days. The recommended system is a way to avoid much of this waste at a small cost in terms of occasional short delays.

3. a rough estimate based on figures of the Bureau of Labor Statistics for assorted supervisory positions.

Another intangible but very real cost of the present overcall of jurors is that citizens may become dissatisfied with jury duty when they feel that their time is being wasted. If a person has been forced to sit and wait several days in the jury lounge, he might be reluctant to serve again even though he was told that his presence had contributed to the settlement of a case. If fewer jurors are called in, a larger percentage of those present will be sent to voir dices and will be selected to serve on juries. Jurors might then feel that their presence served a greater purpose. Thus one of the benefits of reduced call-ins might be increased public acceptance of jury duty and increased respect for the judicial machinery.

#### B. REDUCTION OF PANEL SIZES

The size of panels sent to civil voir dices should be reduced from 30 prospective jurors to 25 for twelve-man juries and 18 for six-man juries. A panel of 25 would allow for selection of 12 jury members with 3 peremptory challenges on each side, plus 2 alternates with 1 additional challenge on each side and 3 dismissals for cause by the court. If a judge had a civil trial with multiple plaintiffs or defendants, he could request a larger panel. The study showed that panels of 25 would be sufficient to complete 98% of all civil voir dices. Annual savings of 1100 days of jurors' time and \$26,000 in jurors' fees could be obtained from the smaller call-ins made possible by the reduced panel size.

If all civil juries were reduced to six members, fewer jurors would have to be called into the courthouse because smaller panels would be needed for voir dices. At present the jury clerk is unable to plan in advance for smaller panels because the decision to use a six-man jury is often made on the morning of the trial. Smaller panels would require less "elevator time" to move from the jury lounge to courtrooms, so judges would receive panels more quickly after phoning the jury clerk for them.

A standard panel size of 18 is recommended for voir dices for six-man juries. This would allow for selection of 6 jurors with 3 peremptory challenges on each side, plus 2 alternates with 1 additional challenge on each side. If all of the challenges were exercised, this would require a total of 16 prospective jurors, which would still allow for 2 dismissals for cause by the court. The study showed that an average of 4.5 prospective jurors were challenged or dismissed in voir dices for six-man juries. In only one of the nineteen cases studied were more than 16 prospective jurors required. Panels of 18 should provide an adequate margin for all such voir dices.

If all civil panels ordered during the four-month study had been reduced from 30 to 18 and the call-ins reduced accordingly, over 800 juror-days costing \$20,000 could have been saved. The jury costs for civil trials which last more than one day could also be cut by approximately one-half if six-man juries replace twelve-man.

Panels for non-capital criminal cases with a single defendant should be reduced from 40 to 35, with the understanding that judges could receive larger panels if they requested them. A panel of 35 would allow the defendant 10 peremptory challenges and the prosecution 6, plus 2 alternates with an additional challenge for each side and 3 dismissals for cause by the court. In practice all 16 peremptory challenges are seldom exercised, so a panel of 35 would usually allow for

more than 3 dismissals by the court. The study showed that panels of 35 would be sufficient to complete the voir dire in 94% of all criminal cases (including multi-defendant cases). Annual savings of more than 800 juror-days and \$20,000 could be obtained by such a reduction.

C. EXTRA-LARGE PANELS

There are occasionally difficult trials in which selection of the jury may require an unusually large number of jurors because of the anticipated length of the trial, the notoriety of a criminal defendant, or multiple civil parties or criminal defendants. The present practice in dealing with these orders for extra-large panels is simply to increase the call-in by the full amount of the extra-large order, thus requiring time and payment of as many as 125 or 150 extra jurors.

Table 2, following, shows the extra-large panels which were sent out during February through May 1971, and the number of persons from such panels who were "used" in the sense that they were either selected as jury members or alternates or were challenged or excused.

TABLE 2. JUROR UTILIZATION WITH EXTRA-LARGE PANELS

Date	Size of Panel Ordered	Number <sup>4</sup> Used	Number Not Used	Comments
2/8/71	60	0	60	guilty plea
2/11/71	50	30	20	
2/23/71	125	0	125	postponed till 3/1
3/1/71	125	74	51	
3/2/71	150	52	98	
3/3/71	70	45	25	
3/8/71	55	38	17	
3/24/71	50	48	2	
4/5/71	80	32	48	
4/5/71	70	23	47	
4/5/71	50	0	50	cancelled
4/12/71	50	44	6	
4/26/71	60	0	60	adjourned two days
4/28/71	60	35	25	
5/3/71	80	0	80	postponed one day
5/4/71	80	0	80	postponed one day
5/5/71	80	43	37	
5/6/71	50	32	18	

<sup>4</sup>(selected as jury member or alternate, or challenged or excused)

Table 2 shows that extra-large panels are not actually needed too frequently. In only six of the eighteen cases were more than 40 jurors required to complete the voir dire, and in only two were more than 50 required.

Juror utilization could be improved if "difficult" voir dires were started with ordinary-sized panels. The judge could notify the jury clerk as early as possible of difficult cases, so the clerk would be certain to have enough jurors in the courthouse to satisfy the possible needs. But the initial panel sent to the voir dire could be limited to 40 or 50 jurors, with the understanding that more would be available later if needed. This would allow some of the jurors to attend other voir dires before they were required for the difficult case. It would also mean less waste of jurors' time and fees if the extra-large panel was not actually needed due to a last-<sup>5</sup> minute guilty plea or postponement.

If he starts with an ordinary-sized panel, the judge might have to repeat certain of the voir dire questions if additional jurors had to be sent in later. However, extra-large panels

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<sup>5</sup> A less efficient but also helpful technique is presently in use in the District of Columbia. Judges notify the jury clerk one or two months in advance when they have trials in which extra-large panels will be required. If two or more are scheduled for the same day, the jury clerk contacts the judges involved and arranges to postpone all but one of such trials for a day or two. Thus it is not necessary to call in enough jurors for more than one extra-large panel on the same day.

are unwieldy, and the prospective jurors become restless and inattentive while waiting for their names to be drawn to undergo voir dire questioning. The disadvantage of possibly having to repeat some of the questions to a second group of jurors would be outweighed by the advantages of less confusion and closer attention as well as the savings in jurors' time and fees resulting from the smaller original panel.

If judges would agree to start difficult voir dires with ordinary-sized panels, the recommended call-in for a day with orders for one extra-large panel and several ordinary ones might simply be two-thirds of the total number of jurors ordered. For example, on Monday 3/1/71, 355 jurors were ordered, including one extra-large panel of 125. The actual call-in was 306. The recommended call-in would be 238 (two-thirds of 355). The next day (Tuesday 3/2/71) 260 were ordered, including one panel of 150. The actual call-in was 275. The recommended call-in would have been 177 (two-thirds of 260). On these two days a total of 166 juror-days and \$3864 in jurors' fees could have been saved.

D. JUDGES' INSTRUCTIONS TO THE JURY CLERK

Because of the pressure on the court to clean criminal cases off its calendar, the jury clerk has been instructed never to run short of jurors. Once the calendar has been brought under control, the instructions should be changed from "Never be caught short" to "Don't delay supplying panels very often." This would enable the jury clerk to cut the daily call-in of jurors closer to the number actually needed.

The proposed system could be implemented gradually. The Chief Judge could simply instruct the jury clerk: "Make cuts where you think possible, but start slowly." Later if the judges felt that delays had become too frequent or too lengthy, the jury clerk could be instructed to increase the call-in slightly.

At present if the clerk delays in supplying a panel to a particular judge, he is likely to be criticized by that judge. Under the proposed system, judges agree not to pressure the jury clerk into preferring one judge over another when supplying panels. Judges should agree not to invoke seniority or the question of who ordered a panel first as a means of appropriating panels which had already been allocated

to other judges. A judge would not be able to "pre-empt" a panel by ordering it before it was needed, because that would tie up his courtroom and he could no longer hear argument on motions or conduct other pre-trial business. Judges should agree to observe a "good faith" requirement in not tying up jurors longer than necessary, out of consideration to their fellow judges who might be waiting for some of the same jurors. This would also ensure that there would be no delay for a judge who had ordered a panel at 10:00 a.m. and was actually ready to use it at the time ordered. A judge should also send jurors back to the jury lounge as soon as they are challenged or dismissed for cause if he is notified that the jurors are needed to make up a panel for another voir dire.

Judges should be more conscious of the jurors' complaints and the jury staff's problems, because it is only with judicial cooperation that the situation can be improved. The judges' main contacts are with jurors who are actually serving on cases, and they are relatively insulated from the large numbers of jurors who have to sit and wait in the jury lounge. Each judge should be aware that every time he put in an order for a panel he was tying up the time of 25 to 40 people and requiring the payment of \$600 to \$1000 in jurors' fees. This does not mean that a judge should hesitate to order a panel if there was a good chance he would have a case going forward the next day or even if the mere presence of the panel would

settlement or a guilty plea. But the judge should exercise "judicial restraint" and not require the panel to be brought in if there was little likelihood it would serve any real purpose.

#### IV. HANDBOOK FOR THE JURY CLERK

Table 3, "Recommended Call-In: Panel Sizes of 40 for Criminal Voir Dires and 25 for Civil Voir Dires," appears on the following eight pages. Following the table there are sections on How to Apply the Recommended Section, Return Days, and Treatment of Jurors.

TABLE 3

RECOMMENDED CALL-IN: PANEL SIZES OF 40 FOR  
CRIMINAL VOIR DIRES AND 25 FOR CIVIL VOIR DIRES

Number of Scheduled Trials	Kind(s) of Trials	Recommended Call-In	Theoretical Maximum Demand
1 <sup>(1)</sup>	civil	25 (27)*	25
1	criminal	40 (42)	40
2	2 civil	37 (39)	50
2 <sup>(2)</sup>	1 civil 1 criminal	52 (54)	65
2	2 criminal	54 (56)	80

(Table 3 continued on next page.)

FOOTNOTES AND EXPLANATION

\* The number in parenthesis is a safety margin intended to allow for sickness or delays in arrival of jurors. It is also intended to allow for extra challenges in criminal cases in situations where there is no alternative source of extra jurors (i.e. there are no other panels from which non-selectees can be obtained). A safety margin is not specifically provided in cases where three or more panels are ordered because it is unnecessary when there is a larger call-in.

(1) On days when only one panel is ordered, enough jurors must be called in to fill the complete panel regardless of the degree of definiteness of the order.

(2) On days when two panels are ordered, the recommended call-in is large enough to allow for one voir dire to go forward at a time. When the first voir dire is completed and 12 or 14 jurors have been selected, the non-selectees from the first panel plus the jurors remaining in the jury lounge would be sufficient to make up a complete panel if

(2) continued

a second voir dire is later called. It is not necessary to call in enough jurors for both panels because the study showed that it would be rare for both of the ordered panels to be used simultaneously. The recommended call-in is large enough for the orders to be filled sequentially, but it cuts down on the wastage in the many cases where none or one of the panels is used.

For example, if panels are ordered for one civil and one criminal trial, a call-in of 52 jurors would allow for a voir dire to be conducted in the civil case with a panel of 25, from which 12 jurors would be selected. (See the table entry footnoted (2) ). Thereafter there would be 40 jurors remaining to make up the panel in case the criminal voir dire went forward. Note that if the criminal voir dire went forward first, a call-in of only 40 would be sufficient to allow for selection of a jury of 14 (including two alternates) and still have 26 jurors remaining to make up a panel if it is needed for the civil case. However, due to poor correlation between the planned and the actual starting times of trials, the larger call-in of 52 (safety margin 54) is recommended regardless of the order in which the trials are scheduled to begin).

TABLE 3 (continued)

Criminal Panels of 40 and Civil Panels of 25

Number of Scheduled Trials	Kind(s) of Trials	Recommended Call-In	Theoretical Maximum Demand	2/3 of Theoretical Maximum Demand
3	3 civil	37-50	75	(50)
3	2 civil 1 criminal	52-65	90	(60)
3(3)	1 civil 2 criminal	54-80	105	(70)
3	3 criminal	54-80	120	(80)

(Table 3 continued on next page)

FOOTNOTES AND EXPLANATION (continued)

(3) On days when three panels are ordered and two or three of the orders are fairly definite ("10:00a.m." or "in court"), the recommended call-in would be the highest number in the suggested range for the particular combination of civil and criminal panels ordered. This number would allow two voir dices to proceed simultaneously, and then a third voir dire could be started after most of the non-selectees from the first two voir dices were returned to the jury lounge. It is not recommended to call in enough jurors for all three voir dices to go forward simultaneously because delays, postponements, cancellations and waivers of juries frequently arise even when the orders are quite definite. Therefore, the chance that all three would actually go forward simultaneously is quite small. The lower number in the suggested range is recommended when the orders are "hold" or "?". This number would allow for selection of at least two juries if the voir dices were carried out successively.

For example, if fairly definite orders had been given for one civil and two criminal panels, the recommended call-in of 80 would allow for two criminal voir dices, or one civil and one criminal, to proceed simultaneously. (See the table entry footnoted (3).) When the first two voir dices were completed,

(3) continued

there would be 52 to 54 jurors left over, more than enough to supply a panel for another voir dire if a jury should be required in the third trial.

If one of the orders (a criminal panel, for example) was fairly definite and the other two (one criminal and one civil) were "hold" or "?", a call-in in the middle of the 54-to-80 range would be recommended. A call-in of 66 would allow for selection of 14 jurors in the first criminal voir dire and of 12 in the event that the civil panel on "hold" should be required, and when these selections were completed there would still be 40 jurors left over to make up a panel for the remaining criminal voir dire. If all three of the orders were "hold" or "?", the recommended call-in would be 54, the smallest number in the range for the combination of one civil and two criminal trials. As stated above, this number would allow for selection of at least two juries. When all three orders are "hold" or "?", the likelihood of panels being needed for all three possibly scheduled trials is so small that it is not recommended to call in panels for all three.

TABLE 3 (continued)

Criminal Panels of 40 and Civil Panels of 25

Number of Scheduled Trials	Kind(s) of Trials	Recommended Call-In	Theoretical Maximum Demand	2/3 of Theoretical Maximum Demand
4 (4)	civil and criminal	2/3 or less of total number of jurors ordered	100 to 160	67 to 107
5	civil and criminal	2/3 or less	125 to 200	83 to 133
6	civil and criminal	2/3 or less	150 to 240	100 to 160
7	civil and criminal	2/3 or less	175 to 280	117 to 187
8	civil and criminal	2/3 or less	200 to 320	133 to 213
9	civil and criminal	2/3 or less	225 to 360	150 to 240
10	civil and criminal	2/3 or less	250 to 400	167 to 267

(end of Table 3.)

FOOTNOTES AND EXPLANATION (continued)

(4) On days when four or more panels are ordered, it is recommended to call in two-thirds or less of the maximum demand for jurors, depending on the degree of "definiteness" of the orders. If the orders are for "in court" or for a specific time such as "10:00 a.m.," then the recommended call-in might be up to the full two-thirds guideline. In the column headed "Theoretical Maximum Demand," the lower figure for each entry is the total number of jurors required if all the orders were for civil panels,

(4) continued

and the higher figure is for all criminal panels. For example, if four civil panels were ordered, the theoretical maximum demand for jurors would be 100 (4 x 25), and the recommended call-in would be 67 (2/3 x 100). If two of the four orders were for civil panels and two were for criminal, the theoretical maximum demand would be 130 (2 x 25 plus 2 x 40), and the recommended call-in would be 87 (2/3 x 130).

If several of the orders are "hold" or "?", then the call-in could be shaded downwards from the two-thirds guideline. (This is likely to be the case toward the end of the week.) If there are several definite orders and several more on "?", one suggestion might be to call in enough jurors to fill two-thirds of the definite orders. If most of the orders are "hold" or "?", it should be sufficient to call in enough jurors to fill one or two panels simultaneously.

#### IV. HANDBOOK FOR THE JURY CLERK

##### A. HOW TO APPLY THE RECOMMENDED SYSTEM

The guideline of two-thirds of the total jurors ordered must be modified when only one, two or three panels have been ordered. Table 3, "Recommended Call-In: Panel Sizes of 40 for Criminal Voir Dires and 25 for Civil Voir Dires," sets out specific guidelines for the number of jurors to be called in to satisfy any number of orders from the judges. If only one judge has ordered a panel, the table indicates that the jury clerk should call in enough jurors to make up just that one panel, with a safety margin in case one or two of the jurors are ill or otherwise fail to report. If the judge's order is for a civil panel, the recommended call-in would be 25 (or 27 with a safety margin of 2). If the order was for one criminal panel, the recommended call-in would be 40 (or 42 with a safety margin).

If the size of civil or criminal panels is reduced as recommended in Section III B, Table 3 should be adjusted downwards accordingly. If six-man civil juries become the rule, the recommended call-in for an order of a single panel would be 18 (or 20 with a safety margin). If the standard panel size for criminal panels is reduced to 35, the recommended call-in would be 35 (or 37 with a safety margin).

If two judges have ordered panels for the next day, it is not recommended to call in enough jurors to supply panels

for both voir dires simultaneously. Rather, Table 3 is calculated to provide enough jurors for one voir dire to go forward with some prospective jurors remaining "unused" in the jury room. When the first jury has been selected, the leftover jurors from the first voir dire could be combined with those jurors in the jury room to make up a panel in case the other voir dire also goes forward. The chance that both voir dires will go forward simultaneously is small. Calling in only enough jurors to supply panels sequentially means that fewer jurors would be paid to sit around waiting on the large majority of days when neither trial, or only one, proceeds with a voir dire.

The second portion of Table 3 gives recommended call-ins on days when three panels have been ordered. The call-in should be adjusted according to the degree of definiteness of the orders. A range instead of a single number is suggested for each combination of civil and criminal panels. The top number in each range is recommended when two or three of the orders are fairly definite, as for "10:00 a.m. in court" or "10:00 a.m." For example, if three civil panels were ordered for "10:00 a.m.," the recommended call-in would be the top number in the range for three civil panels (50). This would allow any two voir

diere to go forward simultaneously. If the third panel was later requested, it could be made up of jurors left over from the first two voir diere. It is not advisable to call in enough jurors for three simultaneous panels because even when the orders are quite definite, many of the voir diere do not go forward at all or are delayed considerably beyond the scheduled starting time. The likelihood of actual delays with the reduced call-in would be small.

The bottom number of each range is recommended when none or only one of the orders is definite. For example, if three civil panels were ordered and two of them were on "hold," the recommended call-in would be the lower number in the range for three civil panels (37). With this number, one voir dire could go forward. If a second panel were requested later that morning, it could go forward with the 13 jurors left over from the first panel plus the 12 jurors remaining in the jury lounge. It is not necessary to call in enough jurors to allow panels for three voir diere when they are all (or all but one) questionable. The study revealed no instance when three voir diere had been set down on "hold" or "?" and all three had subsequently required panels. With the reduced call-in fewer jurors would be paid to sit around waiting on the many days when few or none of them are actually required for voir diere.

The remaining portion of Table 3 sets out recommended call-ins for days on which four or more panels have been ordered. Here the recommended call-in is two-thirds or less of the theoretical maximum demand. If the clerk had definite orders for four criminal panels (total order of 160), he should call in two-thirds of this number, or 103. This would allow two voir diere to go forward simultaneously. The clerk could supply a third and a fourth panel later in the day when the earlier voir diere were finished. However, as a practical matter a third or fourth panel usually would not be needed.

The jury clerk should adjust the two-thirds guideline downward when most of the orders are questionable. For example, with one definite order and three questionable, the clerk should call in 80 prospective jurors, enough for two simultaneous voir diere. If all four orders were questionable, the clerk should cut the call-in to 65. These call-ins would allow several voir diere sequentially if needed, but fewer jurors would sit around unoccupied when none of the "questionables" were used. The study showed that a "questionable" panel has very little chance of actually being used.

Table 3 is intended to provide the jury clerk with a guideline, not a rigid rule, for determining call-ins. The clerk must use his experience and discretion in making the final determination. In fact the clerk already exercises

considerable discretion, but (as discussed in the previous Section) he is limited by the courthouse rule that he is not supposed to allow any risk of delay. If the judges were to agree to the adoption of Table 3 as a guideline, the clerk could cut the call-in when he felt it would be appropriate.

#### B. RETURN DAYS

The Return-Day call-in could be cut considerably by taking into account the natural spread of voir dire starting times and by using the non-selected jurors from earlier voir dire<sup>6</sup> to make up panels for later voir dire. If the procedure recommended above for starting difficult voir dire with ordinary-sized panels is adopted, it would no longer be necessary to call in extra jurors in response to orders for extra-large panels.

Since the number of jurors available on Return Day sets the ceiling for the number which will be available during the entire two-week term, the number must be large enough to supply jurors for new panels each day after subtracting jurors who are already sitting on other cases. If 250 jurors were available and if 84 were selected for juries on a particular Return Monday, only 166 jurors would remain in the jury lounge the next day. The study showed that if 250 jurors had been available at the start of every two-week jury term, there

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<sup>6</sup> This is a refinement of the recommendation in Interim Report No. 1 that there be an across-the-board cut of 20% in the number of jurors called in for each jury term (i.e., those available to serve on Return Days). That recommendation was based on a preliminary finding that the number of jurors called in was so much in excess of needs that an immediate across-the-board cut of 20% would still leave more than enough jurors for any anticipated need. Since the time of that report additional data has been compiled, and the system based on the two-thirds guideline has been developed, this should make possible further cuts in the number called in each Return Day.

would have been enough jurors to supply each day's recommended call-in after subtracting the jurors previously selected to sit on juries. Only one five-minute delay in supplying a panel of jurors would have occurred on all the Return Days studied.

It is difficult to estimate how many people to whom summonses have been sent will request dismissals or postponements of their jury service. Therefore the jury clerk should aim to have approximately 270 jurors available each Return Day during the court's busy season. This number would allow a safety margin above the "working minimum" of 250. A call-in of 270 would represent a savings of 75 from the present average of 345. The jury clerk could estimate how many summonses should be sent out in order to end up with 250 to 270 prospective jurors after all disqualifications, excuses and postponements. Based on past experience, he might find that 810 persons should be summoned each term, of whom approximately one-third, or 270, would actually be qualified and available to serve. If the number of judges trying cases is increased, the clerk may find that he has to increase the Return Day call-in correspondingly.

If 6-man juries become the rule for civil cases and if panel sizes are correspondingly reduced to 18, the call-in for Return Days could be reduced by approximately 30 jurors.

At present a separate pool of jurors is called in for selection of grand juries, with resultant wastage because non-selected jurors from this pool are lost to service on petit juries. If grand and petit jurors were selected from the same pool, the total number of jurors called in each Return Day could be reduced, and duplication of paperwork would be eliminated. The call-in would have to be increased by approximately 30 on each Return Day when a grand jury was to be selected.

### C. TREATMENT OF JURORS

Care should be taken that jurors are treated in a manner befitting their status as citizens who have been summoned to the courthouse to perform a civic duty. The experience of many prospective jurors on their first day in the courthouse should be improved. The present practice is to send those jurors who are ready to serve down to the ground floor hallway, where they are kept standing until empty rooms can be found around the courthouse and until members of the jury clerk's staff can find time to seat them. Once in the rooms, the groups of jurors have often been left alone for the entire morning with no explanation as to what was going on or how long they would be held there.

This treatment results from the great time pressure on the clerical staff, who on Return Days have to collect summonses from the newly arriving jurors, match a wheel card with each summons, record the names of jurors on panel sheets, and conduct panels up to the various courtrooms immediately upon receiving telephone requests from the judges. Consequently, the staff has little time to devote to the new jurors on the very day when they are most likely to have questions about the unfamiliar routine.

The jury staff is working to improve the situation.

The jury clerk is obtaining benches for the new jurors to sit on when they first arrive, and one member of the jury staff tries to find time to go around to the various rooms where the jurors have been taken for "storage" and answer any questions they may have regarding their service. One suggestion for further improvement would be to lend one or two employees from other parts of the courthouse to the jury staff to assist with clerical work and orientation of new jurors on Return Days. A reduction of the number summoned on the average Return Day to 270 or less should help to cut the initial press of paper work. Increasing the number of staff members and cutting the paper work should allow more time to inform the new jurors as to courtroom procedures.

There is a general attitude in the courthouse that supplying the needs of the judges for jurors is the primary duty of the jury staff and that the needs and desires of the jurors themselves are secondary. Still, the jury staff is aware of the needs and complaints of the jurors; and they are to be commended for their courtesy towards the jurors and for their efforts to make jury service as pleasant as possible. But the staff cannot do much about the problem of boredom and dissatisfaction on the part of jurors who are required to sit and wait for hours. The one obvious step (which has

been the thrust of this whole report) is simply to cut the number of jurors closer to the actual needs of the court. The waiting jurors appear to be less dissatisfied on days when they feel that there is a fairly good chance that their services will actually be needed. Towards the end of the week the jury clerk could offer each individual juror the option of coming in the following day if some but not all of them were needed. For example, if he had 65 people present on Thursday and had only a single order for a panel of 25 for Friday, then he could let each individual choose, with the warning that he would draw names and require more to come in if there were not enough volunteers.

APPENDIX

TABLE 4. HOW THE RECOMMENDED SYSTEM COULD HAVE BEEN APPLIED,  
FEBRUARY-MAY 1971

The following table is discussed in Section III.A. of  
the text.

Monday 2/1/71 (not Return Day)

	<u>no.</u>	<u>(panels)</u>	
ordered:	280	(7)	crim.
	<u>78</u>	<u>(3)</u>	civil (including one panel of 18)
total:	358	(10)	

		<u>fees</u>	
called in:	241	\$3610	
recommended:	<u>241</u>	<u>3610</u>	(approx 2/3 of 358)
SAVING:	0	0	

total panels used in a.m.: 6 (plus 1 in p.m.)  
 maximum jurors needed simultaneously: 230  
 total delay with recommended call-in: 0

Tuesday 2/2/71

	<u>no.</u>	<u>(panels)</u>	
ordered:	80	(2)	crim.
	30	(1)	civil
	<u>?</u>	<u>(3)</u>	"?"
total:	110	(3 + 3 "?)	

		<u>fees</u>	
called in:	103	\$2398	
recommended:	<u>80</u>	<u>1862</u>	(enough for two simultaneous panels)
SAVING:	23	\$ 536	

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Wednesday 2/3/71

	<u>no.</u>	<u>(panels)</u>	
ordered:	200	(5)	crim.
	<u>90</u>	<u>(3)</u>	civil
total:	290	(8)	

		<u>fees</u>	
called in:	162	\$3770	
recommended call-in:	*		

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

\* In Table 1 this would appear to be a recommended call-in of perhaps 197 jurors (= 2/3 x 290). The actual call-in of 162 was below this number. Perhaps because this was a mid-week day (Wednesday) the jury clerk anticipated that a smaller percentage of the scheduled jury trials would go forward with voir dres and that he could make a smaller call-in. It is noted that the call-in of 162 was large enough to cover the actual needs of the court.

Thursday 2/4/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court	
	30 (1) civil hold 2:15	
	? (1) 10:30 a.m.?	
	<u>? (2) "?"</u>	
total:	70 (2 + 3 "?")	
	<u>fees</u>	
called in:	105 \$2444	
recommended:	<u>70</u> 1630 (hard to determine call-in)	
SAVING:	35 \$ 814	

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Friday 2/5/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. hold	
	<u>fees</u>	
called in:	38 \$885	
recommended:	<u>38</u> 885	
SAVING:	0 0	

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Monday 2/8/71 (Return Day)

	<u>no. (panels)</u>	
ordered:	300 (7) crim. hold (including one panel of 60)	
	40 (1) crim. in court	
	<u>30 (1) civil hold</u>	
total:	370 (9)	
	<u>fees</u>	
summoned & present:	350 \$8148	
recommended: approx.	<u>270</u> 6286 (Return Day call-in)	
SAVING:	80 \$1862	

total panels used in a.m.: 5  
maximum jurors needed simultaneously: 200  
total delay with recommended call-in: 0

Tuesday 2/9/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. hold	
	30 (1) civil	
	<u>30 (1) civil "?"</u>	
total:	100 (3)	
	<u>fees</u>	
called in:	200 \$4656	
recommended call-in:	<u>65</u> 1513 (from Table 1, for 3 panels)	
SAVING:	135 \$3143	

total panels used: 2  
maximum jurors needed simultaneously: 70  
total delay with recommended call-in: 1 panel of 40 for 10 minutes.

Note: There would have been no delay at all if the civil panel had contained 25 jurors instead of 30. Table 1 is calculated on the basis of 25-man civil panels and 40-man criminal panels, while present civil panels generally contain 30 jurors.

Wednesday 2/10/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court (later changed to "hold")	
	40 (1) crim. "?"	
	<u>30 (1) civil "?"</u>	
total:	110 (3)	
	<u>fees</u>	
called in:	93 \$2165	
recommended:	<u>65</u> 1513	
SAVING:	28 \$ 652 (from Table 1, for 3 panels)	

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Thursday 2/11/71

	no. (panels)	
ordered:	50 (1) in court (extra-large)	
	30 (1) civil "?"	
	? (1) "?"	
total:	80 (2 + 1 "?")	
		<u>fees</u>
called in:	75	\$1746
recommended:	75	1746
SAVING:	0	0

total panels used: 1  
maximum jurors needed simultaneously: 50  
total delay with recommended call-in: 0

Friday 2/12/71: holiday

Monday 2/15/71: holiday

Tuesday 2/16/71

	no. (panels)	
ordered:	160 (4) crim. hold	
	40 (1) crim.	
	30 (1) civil "?"	
total:	230 (6)	
		<u>fees</u>
called in:	317	\$7380
recommended call-in:	157	3655 (2/3 of 230)
SAVING:	160	\$3725

total panels used: 4  
maximum jurors needed simultaneously: 120  
total delay with recommended call-in: 0

Wednesday 2/17/71

	no. (panels)	
ordered:	40 (1) crim. in court	
	40 (1) crim.	
	40 (1) crim. "?"	
	60 (2) civil "?"	
	? (1) "?"	
total:	180 (6 + 1 "?")	
		<u>fees</u>
called in:	191	\$4446
recommended:	120	2793 (2/3 of 180)
SAVING:	71	\$1653

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Thursday 2/18/71

	no. (panels)	
ordered:	40 (1) crim. hold	
	40 (1) crim. "?"	
	? (3) unknown	
total:	80 (2) and 3 unknown	
		<u>fees</u>
called in:	125	\$2910
recommended:	65	1513 (from Table 1: assume 3 possible panels)
SAVING:	60	\$1397

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Friday 2/19/71

	<u>no.</u>	<u>(panels)</u>
ordered:	?	(2) "?"
		<u>fees</u>
called in:	45	\$1047
recommended:	40	931
SAVING:	5	\$ 116

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Monday 2/22/71 (Return Day)

	<u>no.</u>	<u>(panels)</u>
ordered:	280	(7) crim. hold
		40 (1) crim. "?"
		30 (1) civil hold
total:	350	(9)
		<u>fees</u>
summoned & present:	372	\$8660
recommended call-in:	270	6286 (Return Day call-in)
SAVING:	102	\$2374

total panels used: 4  
maximum jurors needed simultaneously: 110  
total delay with recommended call-in: 0

Tuesday 2/23/71

	<u>no.</u>	<u>(panels)</u>
ordered:	205	(3) crim. hold (including one panel of 125)
		<u>fees</u>
called in:	318	\$7403
recommended: perhaps	137	3189 (2/3 of 205)
SAVING:	181	\$4214

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Wednesday 2/24/71

	<u>no.</u>	<u>(panels)</u>
ordered:	?	(5) "?"
		<u>fees</u>
called in:	124	\$2886
recommended: perhaps	80	1862 (hard to estimate call-in)
SAVING:	44	\$1024

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Thursday 2/25/71

	<u>no.</u>	<u>(panels)</u>
ordered:	40	(1) crim. in court
		30 (1) civil hold
		? (3) unknown
total:	70	(2) + three unknown
		<u>fees</u>
called in:	106	\$2468
recommended: perhaps	70	1630 (hard to estimate call-in)
SAVING:	36	\$ 838

total panels used: 0  
maximum jurors needed simultaneously: 46  
total delay with recommended call-in: 0

Friday 2/26/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. "?"	
	<u>30 (1) civil "?"</u>	
total:	110 (3)	
	<u>fees</u>	
called in:	92	\$2142
recommended: perhaps	<u>65</u>	<u>1513</u> (from Table 1, for 3 panels:
SAVING:	27	\$ 629 middle of range for 2 criminal and 1 civil)

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Monday 3/1/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	125 (1) large crim. panel	
	160 (4) crim. hold	
	<u>70 (2) civil hold</u>	
total:	355 (7)	
	<u>fees</u>	
called in:	306	\$7124
recommended:	<u>238</u>	<u>5541</u> (2/3 of 355)
SAVING:	68	\$1583

total panels used: 4  
maximum jurors needed simultaneously: 235  
total delay with recommended call-in: 0

Tuesday 3/2/71

	<u>no. (panels)</u>	
ordered:	150 (1) large crim. panel	
	80 (2) crim.	
	<u>30 (1) civil hold</u>	
total:	260 (4)	
	<u>fees</u>	
called in:	275	\$6402
recommended call-in:	<u>177</u>	<u>4121</u> (2/3 of 260)
SAVING:	98	\$2281

total panels used: 4  
maximum jurors needed simultaneously: 175  
total delay with recommended call-in: 0

Wednesday 3/3/71

	<u>no. (panels)</u>	
ordered:	70 (1) large crim. panel	
	40 (1) crim. hold	
	<u>? (1) "?"</u>	
total:	110 (2 + 1 "?")	
	<u>fees</u>	
called in:	233	\$5424
recommended:	<u>110</u>	<u>2561</u> (enough for 2 "ordinary" panels
SAVING:	123	\$2863 simultaneously)

total panels used: 2  
maximum jurors needed simultaneously: 110\*  
total delay with recommended call-in: 0\*

\* Under the recommended system of dealing with extra-large panels, an initial panel of 40 could have been sent to the difficult voir dire. Later another panel of 40 could have been sent to the second voir dire. By the time there was a need for additional jurors for the difficult voir dire, the second voir dire would have been completed and there would have been sufficient leftover jurors to complete the

Thursday 3/4/71

ordered:	<u>no. (panels)</u>	
	80 (2) crim. hold	
	<u>fees</u>	
called in:	134	\$3119
recommended call-in:	<u>54</u>	<u>1257</u> (from Table 1, for 2 panels)
SAVING:	80	\$1862

total panels used:	1
maximum number of jurors needed simultaneously:	40
total delay with recommended call-in:	0

Friday 3/5/71

ordered:	<u>no. (panels)</u>	
	80 (2) crim. (?)	
	<u>fees</u>	
called in:	82	\$1909
recommended call-in:	<u>54</u>	<u>1257</u> (from Table 1, for 2 panels)
SAVING:	28	\$ 652

total panels used:	1
maximum number of jurors needed simultaneously:	40
total delay with recommended call-in:	0

Monday 3/8/71 (Return Day)

ordered:	<u>no. (panels)</u>	
	135 (3) crim.	
	60 (2) civil hold	
	<u>? (1) "?"</u>	
	195 (5 + 1 "?")	
	<u>fees</u>	
summoned & present:	325	\$7566
recommended call-in:	<u>270</u>	<u>6286</u> (Return Day call-in)
SAVING:	55	\$1280

total panels used:	5	(in a.m. plus 1 in p.m.)
maximum jurors needed simultaneously:	215	
total delay with recommended call-in:	0	

Tuesday 3/9/71

ordered:	<u>no. (panels)</u>	
	40 (1) crim. in court	
	<u>120 (3) crim. hold</u>	
total:	160 (4)	
	<u>fees</u>	
called in:	215	\$5005
recommended:	<u>107</u>	<u>2491</u> (2/3 of 160)
SAVING:	108	\$2514

total panels used:	2
maximum jurors needed simultaneously:	52
total delay with recommended call-in:	0

Wednesday 3/10/71

ordered:	<u>no. (panels)</u>	
	120 (3) crim.	
	<u>60 (2) civil hold</u>	
total:	180 (5)	
	<u>fees</u>	
called in:	175	\$4074
recommended call-in:	<u>103</u>	<u>2398</u> (from Table 1, for 5 panels:
SAVING:	72	\$1676 3 civil and 2 criminal)

total panels used:	4	(2 seriatum by same judge)
maximum jurors needed simultaneously:	60	
total delay with recommended call-in:	0	

Thursday 3/11/71

	<u>no. (panels)</u>	
ordered:	30 (1) civil "?"	
	<u>40 (1) crim. "?"</u>	
total:	70 (2)	

		<u>fees</u>
called in:	160	\$3725
recommended:	<u>54</u>	<u>1257</u> (from Table 1, for 2 panels)
SAVING:	106	\$2468

total panels used: 2  
maximum jurors needed simultaneously: 60  
total delay with recommended call-in: possibly 10 to 15 minutes for the second panel

Friday 3/12/71

	<u>no. (panels)</u>	
ordered:	30 (1) civil/criminal?	
	<u>fees</u>	
called in:	34	\$792
recommended call-in:	<u>30</u>	<u>699</u>
SAVING:	4	\$ 93

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Monday 3/15/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	60 (2) civil hold	
	40 (1) crim. hold	
	40 (1) crim. "?"	
	<u>30 (1) civil "?"</u>	
total:	170 (5)	

		<u>fees</u>
called in:	247	\$5750
recommended:	<u>180</u>	<u>4190</u> (2/3 x 170 = 113. But have to call in perhaps 180 or 200, since this was a Monday. See discussion in text.)
SAVING:	67	\$1560

total panels used: 3  
maximum jurors needed simultaneously: 100  
total delay with recommended call-in: 0

Tuesday 3/16/71

	<u>no. (panels)</u>	
ordered:	240 (6) crim. hold a.m.	
	40 (1) crim. hold p.m.	
	<u>40 (1) crim. "?"</u>	
total:	280 (7) for a.m.	

		<u>fees</u>
called in:	231	\$5378
recommended call-in:	<u>187</u>	<u>4353</u> (2/3 of 280)
SAVING:	44	\$1025

total panels used: 4  
maximum jurors needed simultaneously: 160  
total delay with recommended call-in: 0

Wednesday 3/17/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. definite	
	80 (2) crim. hold	
	<u>90 (3) civil hold</u>	
total:	250 (7)	

		<u>fees</u>
called in:	178	\$4144
recommended call-in:	<u>163</u>	<u>3795</u> (2/3 of 250)
SAVING:	15	\$ 349

total panels used: 4  
maximum jurors needed simultaneously: 145  
total delay with recommended call-in: 0

Thursday 3/18/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. definite	
	35 (1) civil definite	
	25 (1) civil hold	
	? (2) "?"	
total:	<u>100 (3 + 2"?)</u>	
	<u>fees</u>	
called in:	144 \$3352	
recommended call-in:	<u>75 1746</u> (enough for 2 panels simultaneously)	
SAVING:	69 \$1606	

total panels used: 2  
 maximum jurors needed simultaneously: 65  
 total delay with recommended call-in: 0

Friday 3/19/71

	<u>no. (panels)</u>	
ordered:	25 (1) civil hold	
	<u>fees</u>	
called in:	33 \$768	
recommended call-in:	<u>27 629</u> (including safety margin)	
SAVING:	6 \$139	

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Monday 3/22/71 (Return Day)

	<u>no. (panels)</u>	
ordered:	236 (6) crim. hold	
	40 (1) crim. "?"	
	<u>108 (4) civil hold</u>	
total:	<u>383 (11)</u>	
	<u>fees</u>	
summoned & present	341 \$7938	
recommended call-in:	<u>270 6286</u> (Return Day call-in)	
SAVING:	71 \$1652	

total panels used: 3 in morning and 3 in afternoon  
 maximum jurors needed simultaneously: 115 in afternoon  
 total delay with recommended call-in: 0

Tuesday 3/23/71

	<u>no. (panels)</u>	
ordered:	120 (3) crim. hold	
	30 (1) civil hold	
	? (1) "?"	
total:	<u>150 (4 + 1 "?)</u>	
	<u>fees</u>	
called in:	182 \$4237	
recommended call-in:	<u>80 1862</u> (enough for 2 panels simultaneously)	
SAVING:	102 \$2375	

total panels used: 1 in morning and 1 in afternoon  
 maximum jurors needed simultaneously: 54 in afternoon  
 total delay with recommended call-in: 0

Wednesday 3/24/71

	<u>no. (panels)</u>	
ordered:	90 (2) crim. hold a.m.	
	40 (1) crim. 10:30 ?	
	98 (4) civil hold	
	<u>40 (1) crim. p.m.</u>	
total:	<u>228 (7) a.m.</u>	
	<u>fees</u>	
called in:	190 \$4423	
recommended: approx.	<u>150 3492</u> (2/3 of 228)	
SAVING:	40 \$ 931	

total panels used: 4 in morning and 1 in afternoon  
 maximum jurors needed simultaneously: 86  
 total delay with recommended call-in: 0

Thursday 3/25/71

	<u>no. (panels)</u>	
ordered:	? (4 judges unknown)	
	40 (1) crim. p.m.	
	<u>fees</u>	
called in:	164	\$3818
recommended:	80	1862 (difficult to estimate call-in)
SAVING:	84	\$1956

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Friday 3/26/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. hold	
	60 (2) civil hold	
total:	140 (4)	
	<u>fees</u>	
called in:	70	\$768
recommended call-in:	70	768 (end of week: less than maximum)
SAVING:	0	0 for 4 panels from Table 1)

total panels used: 1  
maximum jurors needed simultaneously: 30  
total delay with recommended call-in: 0

Monday 3/29/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	80 (2) crim. definite	
	75 (2) crim. hold	
	80 (3) crim. "?"	
	30 (1) civil definite	
	60 (2) civil "?"	
	? (4) "?"	
total:	325 (9 + 4 "?")	
	<u>fees</u>	
called in:	292	\$6798
recommended call-in:	219	5098 (2/3 of 325)
SAVING:	73	\$1700

total panels used: 6  
maximum jurors needed simultaneously: 115  
total delay with recommended call-in: 0

Tuesday 3/30/71

	<u>no. (panels)</u>	
ordered:	70 (2) civil hold	
	40 (1) crim. hold	
	80 (2) crim. "?"	
	40 (1) crim. p.m.	
total:	190 (5) for a.m.	
	<u>fees</u>	
called in:	189	\$4400
recommended call-in:	127	2957 (2/3 of 190)
SAVING:	62	\$1443

total panels used: 2  
maximum jurors needed simultaneously: 90  
total delay with recommended call-in: 0

Wednesday 3/31/71

	<u>no. (panels)</u>	
ordered:	35 (1) crim. hold	
	30 (1) civil hold	
	? (3) "?"	
total:	65 (2 + 3 "?")	
	<u>fees</u>	
called in:	164	\$3818
recommended:	65	1513 (hard to estimate call-in)
SAVING:	99	\$2305

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-on: 0

Thursday 4/1/71

	<u>no. (panels)</u>	
ordered:	(2) hold	
	(3) "?"	
	(5 questionables)	
	<u>fees</u>	
called in:	121	\$2817
recommended:	65	1513 (hard to estimate call-in)
SAVING:	56	\$1304

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Friday 4/2/71

	<u>no. (panels)</u>	
ordered:	(1) possibly	
	<u>fees</u>	
called in:	42	\$978
recommended:	42	978 (could be 27 if the one "possibly"
SAVING:	0	0 was a civil case)

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Monday 4/5/71 (Return Day)

	<u>no. (panels)</u>	
ordered:	190 (3) crim. in court panels of 80,70 and 40)	
	170 (4) crim. hold (1 panel of 50)	
	60 (2) civil hold a.m.	
	30 (1) civil hold p.m.	
total a.m.:	420 (9)	
	<u>fees</u>	
summoned & present:	340	\$7915
recommended call-in:	270	6286 (Return Day call-in)
SAVING:	70	\$1629

total panels used in a.m.: 6 (plus 2 panels in p.m.)  
 maximum jurors needed simultaneously: 260  
 total delay with recommended call-in: 0

Tuesday 4/6/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court	
	? (4) "?"	
total:	40 (1 + 4 "?")	
	<u>fees</u>	
called in:	239	\$5564
recommended:	65	1513 (difficult to estimate call-in)
SAVING:	174	\$4051

total panels used: 1  
 maximum jurors needed simultaneously: 40  
 total delay with recommended call-in: 0

Wednesday 4/7/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. "?"	
	30 (1) civil hold	
	30 (1) civil "?"	
	? (2) "?"	
total:	140 (4 + 2 "?")	
	<u>fees</u>	
called in:	187	\$4353
recommended:	105	1445 (enough for three voir dres
SAVING:	82	\$1908 simultaneously)

total panels used: 2  
 maximum jurors needed simultaneously: 60  
 total delay with recommended call-in: 0

Thursday 4/8/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. hold	
	<u>fees</u>	
called in:	84 \$1955	
recommended call-in:	<u>54</u> 1257 (for 2 panels, from Table 1)	
SAVING:	30 \$ 698	

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Friday 4/9/71: holiday

Monday 4/12/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	90 (2) crim. (1 panel of 50)	
	120 (3) crim. hold a.m.	
	60 (2) civil in court a.m.	
	60 (2) civil hold a.m.	
	<u>80 (2) crim. p.m.</u>	
total a.m.: 330 (9 + 2 panels ordered for p.m.)		
	<u>fees</u>	
called in:	211 \$4912 (this recommended call-in, less	
recommended:	<u>211</u> 4912 than the two-thirds guideline	
SAVING:	0 0 is based on the "discretion of	
		the jury clerk")

total panels used a.m.: 2 (plus 2 in p.m.)  
 maximum jurors needed simultaneously: 95  
 total delay with recommended call-in: 0

Tuesday 4/13/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court	
	120 (3) crim. hold	
	40 (1) crim. "?"	
	<u>? (3) "?" a.m.</u>	
total:	200 (5 + 3 "?")	
	<u>fees</u>	
called in:	200 \$4656	
recommended:	<u>120</u> 2794 (enough for 3 criminal panels	
SAVING:	80 \$1862 simultaneously)	

total panels used: 3  
 maximum jurors needed simultaneously: 92  
 total delay with recommended call-in: 0

Wednesday 4/14/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. hold	
	40 (1) crim. "?"	
	30 (1) civil hold	
	<u>? (2) "?"</u>	
total:	110 (3 + 2 "?")	
	<u>fees</u>	
called in:	145 \$3375	
recommended:	<u>65</u> 1513 (from Table 1, for 3 panels)	
SAVING:	80 \$1862	

total panels used: 1  
 maximum jurors needed simultaneously: 30  
 total delay with recommended call-in: 0

Thursday 4/15/71

ordered:	<u>no. (panels)</u>	
	80 (2) crim. hold	
	<u>? (3) "?"</u>	
total:	80 (2 + 3 "?")	
	<u>fees</u>	
called in:	77	\$1793
recommended:	<u>77</u>	<u>1793</u> (hard to estimate call-in)
SAVING:	0	0

total panels used: 1  
 maximum jurors needed simultaneously: 40  
 total delay with recommended call-in: 0

Friday 4/16/71

ordered:	<u>no. (panels)</u>	
	40 (1) crim. hold	
	<u>fees</u>	
called in:	30	\$698
recommended call-in:	40(?)	931 (The smaller number was called in because the Jury Clerk felt it very unlikely that the panel would be needed).

Monday 4/19/71 (Return Day)

ordered:	<u>no. (panels)</u>	
	160 (4) crim.	
	<u>90 (3) civil</u>	
total:	250 (7)	
	<u>fees</u>	
summoned & present	382	\$8893
recommended call-in:	<u>270</u>	<u>6286</u> (Return Day call-in)
SAVING:	112	\$2607

total panels used: 3  
 total jurors needed simultaneously: 130  
 total delay with recommended call-in: 0

Tuesday 4/20/71

ordered:	<u>no. (panels)</u>	
	40 (1) crim.	
	40 (1) crim. hold	
	30 (1) civil in court	
	<u>? (3) "?"</u>	
total:	110 (3 + 3 "?")	
	<u>fees</u>	
called in:	245	\$5704
recommended:	<u>80</u>	<u>1862</u> (hard to determine: perhaps
SAVING:	165	\$3842 enough for 2 crim. panels)

total panels used: 3  
 maximum jurors needed simultaneously: 70  
 total delay with recommended call-in: 0

Wednesday 4/21/71

ordered:	<u>no. (panels)</u>	
	120 (3) crim.	
	<u>fees</u>	
called in:	183	\$4260
recommended call-in:	<u>80</u>	<u>1862</u> (since all 3 orders were fairly
SAVING:	103	\$2398 definite, recommend 2/3 guide-
		line)

total panels used: 1  
 maximum jurors needed simultaneously: 40  
 total delay with recommended call-in: 0

Thursday 4/22/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. hold	
	60 (2) civil hold	
	<u>30 (1) civil "?"</u>	
total:	170 (5)	
	<u>fees</u>	
called in:	124	\$2887
recommended:	<u>90</u>	<u>2095</u> (hard to estimate call-in)
SAVING:	34	\$ 792

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Friday 4/23/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. a.m.	
	40 (1) crim. p.m.	
	<u>? (2) "?"</u>	
total a.m.:	80 (2)	
	<u>fees</u>	
called in:	83	\$1932
recommended:	<u>65</u>	<u>1513</u> (from Table 1, for 3 panels)
SAVING:	18	\$ 419

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay: 0

**CONTINUED**

**1 OF 2**

Monday 4/26/71 (not Return Day)

ordered:	<u>no.</u>	<u>(panels)</u>	
	100	(2)	crim. in court (1 cancelled Mon. 9:30 a.m.)
	40	(1)	civil in court
	120	(3)	crim. hold
	110	(4)	civil hold
	30	(1)	civil p.m. "?"
total a.m.:	370	(10)	

		<u>fees</u>	
called in:	317	\$7380	
recommended call-in:	247	5750	(2/3 of 370)
SAVING:	70	\$1630	

total panels used: 7 (before 11:00 a.m., 1 at  
maximum jurors needed simultaneously: 223 12:20, and 1 in p.m.)  
total delay with recommended call-in: 0

Tuesday 4/27/71

ordered:	<u>no.</u>	<u>(panels)</u>	
	40	(1)	crim.
	30	(1)	civil a.m.
	30	(1)	civil p.m.
	?	(2)	"?"
total a.m.:	70	(2 + 3 which conceivably were "?")	

		<u>fees</u>	
called in:	181	\$4214	
recommended:	70	1630	(perhaps enough for morning's
SAVING:	111	\$2584	orders simultaneously)

total panels used: 0  
maximum jurors needed simultaneously: 0  
total delay with recommended call-in: 0

Wednesday 4/28/71

ordered:	<u>no.</u>	<u>(panels)</u>	
	100	(2)	crim. in court
	40	(1)	crim. hold
	90	(3)	civil hold
total:	230	(6)	

		<u>fees</u>	
called in:	207	\$4819	
recommended call-in:	157	3655	(2/3 of 230)
SAVING:	50	\$1164	

total panels used: 3  
maximum jurors needed simultaneously: 130  
total delay with recommended call-in: 0

Thursday 4/29/71

ordered:	<u>no.</u>	<u>(panels)</u>	
	40	(1)	crim. in court
	40	(1)	crim. "?"
	30	(1)	civil hold
total:	110	(3)	

		<u>fees</u>	
called in:	146	\$3398	
recommended:	73	1699	(2/3 of 110)
SAVING:	73	\$1699	

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Friday 4/30/71

ordered:	<u>no.</u>	<u>(panels)</u>	
	40	(1)	crim.
			<u>fees</u>
called in:	55	\$1280	
recommended:	40	931	
SAVING:	15	\$ 349	

total panels used: 0  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Monday 5/3/71 (Return Day)

	<u>no. (panels)</u>	
ordered:	80 (1) extra-large crim.	
	80 (2) crim.	
	80 (2) crim. hold	
	30 (1) civil	
	60 (2) civil hold	
	40 (1) crim. p.m.	
total a.m.:	330 (8)	

	<u>fees</u>	
summoned & present:	318	\$7403
recommended call-in:	270	6286 (Return Day call-in)
SAVING:	48	\$1117

total panels used: 1  
maximum jurors needed simultaneously: 40  
total delay with recommended call-in: 0

Tuesday 5/4/71

	<u>no. (panels)</u>	
ordered:	40(1) crim. in court	
	160(3) crim. hold (incl. 1 panel of 80)	
	30(1) civil p.m.	
	?(1) "?"	
total a.m.:	200(4 + 1 "?")	

	<u>fees</u>	
called in:	303	\$7054
recommended:	133	3096 (2/3 of 200)
SAVING:	170	\$3958

total panels used: 2  
maximum jurors needed simultaneously: 80  
total delay with recommended call-in: 0

Wednesday 5/5/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court (later changed to "hold")	
	30 (1) civil hold	
	[80 (1) held over by judge (not available in jury lounge)]	
	? ( 8 judges not checked on)	
total from lounge:	70 (2)	

	<u>fees</u>	
called into lounge:	152	\$3539
recommended:	54	1257 (from Table 1, for 2 panels)
SAVING:	98	\$2282

total panels used from lounge: 2  
maximum jurors needed simultaneously: 80  
total delay with recommended call-in: perhaps 1 panel for 15 minutes:  
(or perhaps no delay, if jurors had returned from the held-over)

Thursday 5/6/71

	<u>no. (panels)</u>	
ordered:	90 (2) crim. hold (1 panel of 50)	
	60 (2) civil hold	
total:	150 (4)	

	<u>fees</u>	
called in:	178	\$4144
recommended:	90	2095 (perhaps somewhat less than 2/3
SAVING:	88	\$2049 of total orders, since all orders were "hold")

total panels used: 1  
maximum jurors needed simultaneously: 50  
total delay with recommended call-in: 0

Friday 5/7/71

	<u>no. (panels)</u>	
ordered:	30 (1) civil hold	
	<u>fees</u>	
called in:	34	\$792
recommended:	27	629 (including safety margin; see
SAVING:	7	\$163 Table 1)

total panels used: 1  
maximum jurors needed simultaneously: 30 (note: this would be reduced to 27 if all civil panels are made 25)  
total delay with recommended call-in: 0

Monday 5/10/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	40 (1) crim.	
	320 (8) crim. hold	
	60 (2) civil in court	
	30 (1) civil hold	
	<u>30 (1) civil "?"</u>	
total:	480 (13)	
	<u>fees</u>	
called in:	209	\$4866 (this call-in, less than the
recommended:	209	two-thirds guideline, is
SAVING:	0	based on the discretion of
		the jury clerk)

total panels used: 5  
 maximum jurors needed simultaneously: 170  
 total delay with recommended call-in: 0

Tuesday 5/11/71

	<u>no. (panels)</u>	
ordered	40 (1) crim. in court	
	80 (2) crim.	
	<u>30 (1) civil in court</u>	
total:	150 (4)	
	<u>fees</u>	
called in:	178	\$4144
recommended:	100	2328
SAVING	78	\$1816 (2/3 of 150)

total panels used: 1  
 maximum jurors needed simultaneously: 40  
 total delay with recommended call-in: 0

Wednesday, 5/12/71

	<u>no. (panels)</u>	
ordered:	120 (3) crim. hold	
	<u>30 (1) civil hold</u>	
total:	150 (4)	
	<u>fees</u>	
called in:	122	\$2480 (perhaps somewhat less than 2/3
recommended:	90	of total orders, since all
SAVING	32	orders were "hold")

total panels used: 2  
 maximum jurors needed simultaneously: 80  
 total delay with recommended call-in: 0

Thursday 5/13/71

	<u>no. (panels)</u>	
ordered	120 (3) crim. hold (one later changed to 2:00	
	p. m. hold)	
	(plus 5 judges who might have been search-	
	ing for cases)	
	<u>total</u>	120 (3)
	<u>fees</u>	
called in:	117	\$2724
recommended:	30	1862 (somewhat hard to estimate call-in)
SAVING	37	\$ 862

total panels used: 2 (1 in a.m. and 1 in p.m.)  
 maximum jurors needed simultaneously: 55  
 total delay with recommended call-in: 0

Friday 5/14/71: No panels ordered, and no jurors called in.

Monday 5/17/71 (Return Day)

	<u>no. (panels)</u>	
ordered:	240 (6) crim. hold	
	30 (1) civil hold	
	<u>30 (1) civil "?"</u>	
total	300 (8)	
	<u>fees</u>	
summoned & present:	329	\$7659
recommended call-in:	<u>270</u>	<u>6286</u> (Return-Day call-in)
SAVING	59	\$1373
total panels used:		5
maximum jurors needed simultaneously		198

Tuesday 5/18/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. hold	
	40 (1) crim.	
	<u>? (6) "?"</u>	
total	80 (2) plus 6 "?"	(The "?" entries may have been judges who were not reached rather than who said they were unsure if they needed panels.) (hard to estimate call-in)
	<u>fees</u>	
called in:	270	\$6286
recommended:	<u>80</u>	<u>1862</u>
SAVING	190	\$4424
total panels used:		1
maximum jurors needed simultaneously:		40
total delay with recommended call-in		0

Wednesday 5/19/71

	<u>no. (panels)</u>	
ordered:	120 (3) crim. hold a.m.	
	30 (1) civil hold	
	40 (1) crim. hold p.m.	
	<u>? (5) "?"</u>	
total for a.m.:	150 (4) plus 5 "?"	
	<u>fees</u>	
called in:	161	\$3748
recommended:	<u>100</u>	<u>2328</u> (perhaps 2/3 of 150)
SAVING	61	\$1420
total panels used		2 (one a.m. and one p.m.)
maximum jurors needed simultaneously:		52
total delay with recommended call-in		0

Thursday 5/20/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim. in court	
	80 (2) crim. hold	
	60 (2) civil hold	
	<u>? (3) perhaps three "?"</u>	
total:	180 (5 + 3 "?")	
	<u>fees</u>	
called in:	171	\$3980
recommended:	<u>120</u>	<u>2793</u> (2/3 of 180)
SAVING:	51	\$1187
total panels used:		1
maximum jurors needed simultaneously:		40
total delay with recommended call-in:		0

Friday 5/21/71

	<u>no. (panels)</u>	
ordered:	40 (1) crim.	
	40 (1) crim. hold	
	<u>60 (2) civil hold</u>	
total:	140 (4)	
	<u>fees</u>	
called in:	171	\$3980
recommended:	<u>80</u>	<u>1862</u> (enough for 2 simultaneous crim. panels)
SAVING:	91	\$2118
total panels used:		1
maximum jurors needed simultaneously:		40
total delay with recommended call-in:		0

Monday 5/24/71 (not Return Day)

	<u>no. (panels)</u>	
ordered:	120 (3) crim. in court	
	200 (5) crim. hold	
	30 (1) civil hold	
	<u>? (3) "?"</u>	
total:	380 (9 + 3 "?")	
	<u>fees</u>	
called in:	223 \$5191	
recommended:	223 5191 (based on discretion of jury cler	
SAVING:	0 0	

total panels used in a.m.: 5 (plus one in p.m.)  
 maximum jurors needed simultaneously: 172  
 total delay with recommended call-in: 0

Tuesday 5/25/71

	<u>no. (panels)</u>	
ordered:	? (1) hold	
	<u>? (6) "?"</u>	
total:	(6 or 7 "?")	
	<u>fees</u>	
called in:	153 \$3561	
recommended:	80 1862 (very difficult to estimate	
SAVING:	73 \$1699 call-in: perhaps call enough	
	for 2 crim. panels simultaneously	

total panels used: 1  
 maximum jurors needed simultaneously: 30  
 total delay with recommended call-in: 0

Wednesday 5/26/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. hold	
	<u>40 (1) crim. "?"</u>	
total:	120 (3)	
	<u>fees</u>	
called in:	85 \$1979	
recommended:	65 1513 (from Table 1: middle of suggested	
SAVING:	20 \$ 466 range for 3 crim. panels)	

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0

Thursday 5/27/71

	<u>no. (panels)</u>	
ordered:	80 (2) crim. hold	
	30 (3) civil hold	
	<u>? (1) "?"</u>	
total:	110 (5 + 1 "?")	
	<u>fees</u>	
called in:	80 \$1862	
recommended:	65 1513 (from Table 1: middle of	
SAVING:	15 \$ 349 suggested range for 3 crim. panels	

total panels used: 1  
 maximum jurors needed simultaneously: 30  
 total delay with recommended call-in: 0

Friday 5/28/71

	<u>no. (panels)</u>	
ordered:	? (2 judges were trying to round up civil cases)	
	<u>fees</u>	
called in:	41 \$954 (The jury clerk thought he should	
recommended:	30 698 have a reserve panel "just in case."	
SAVING:	11 \$256	

total panels used: 0  
 maximum jurors needed simultaneously: 0  
 total delay with recommended call-in: 0