



Jury Reform

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

National Criminal Justice Reference Service
Box 6000
Rockville, MD 20850

JURY REFORM

A Selected Bibliography

compiled by

Anthony A. Cain

Courts Specialist

Marjorie Kravitz

Supervising Editor

National Criminal Justice Reference Service

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National Institute of Law Enforcement and Criminal Justice

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United States Department of Justice

**National Institute of
Law Enforcement and Criminal Justice**

Blair G. Ewing
Acting Director

Law Enforcement Assistance Administration

James M. H. Gregg
Acting Administrator

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INTRODUCTION

The jury system in the United States is one of the institutions that has experienced few substantive changes over the years. However, because our society has changed in so many ways--population size, civil rights, social attitudes, economic factors, technology--the jury system has become the subject of study and proposals for reform. Proponents of reform include those who call for juries that are more representative of the population and those who call for more efficient administration of the courts. Other reforms are suggested by those who favor smaller juries and nonunanimous verdicts. The comfort and convenience of the jurors themselves are also set forth as reasons for reconsidering the present system.

This bibliography has been compiled from documents in the collection of the National Criminal Justice Reference Service with the goal of providing jury commissioners, court administrators, and others interested in jury reform, with a resource that will assist them in weighing the various proposals for jury reform. The compilation presents highlights of the current literature and should not be considered an exhaustive treatment of jury reform. The citations are presented in two sections: the first section, Juror Selection and Utilization, includes selections that address problems of underrepresentation of minors, minorities, and economic groups, as well as documents about juror utilization and court administration; the second section, Proposals for Change, includes guidelines and suggestions for remedying underrepresentation, inefficient use of jurors, and other problems associated with the jury system. Because it is based on English common law, the U.S. jury system is similar to the jury system in the United Kingdom and Canada, and several entries about jury reform in those countries have been included.

A summary of research and demonstration projects on jury reform currently being conducted under the sponsorship of the National Institute of Law Enforcement and Criminal Justice is appended.

Information about how to obtain the documents cited may be found on the following page.

HOW TO OBTAIN THESE DOCUMENTS

All of the documents in this bibliography are included in the collection of the National Criminal Justice Reference Service. The NCJRS Reading Room (Suite 400, 1015 20th Street, N.W., Washington, D.C.) is open to the public from 9:00 a.m. to 5:00 p.m. All of the documents cited are also available in at least one of the following three ways:

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JUROR SELECTION AND UTILIZATION

1. BEISER, E. N. Are Juries Representative? Judicature, v. 57, n. 5: 194-199. December 1973. (NCJ 16580)

The answer to the rhetorical question posed by the title of this article is "No, venires chosen from voter registration lists are disproportionately male, middle-aged, educated, and employed." This article discusses the results of a study of Federal and State jury composition in Rhode Island, a State that relies on voter registration lists for juror selection. The author states that if it is desired that jurors be of the same social status as the community as a whole, then voter lists should not be used.

2. BRUNN, S. D. Jury Selection, Justice, and Geography. Pennsylvania Geographer, v. 13, n. 3: 23-30. November 1975. (NCJ 36167)

The geographer can make a substantial contribution to the selection of jurors by determining whether or not the jurors selected are representative of their community. Voting lists are criticized for providing nonrepresentative lists of jurors. By comparing the residential location of jurors with major sociogeographic patterns, a more representative sample can be taken.

3. CHEVIGNY, P. G. Attica Cases--A Successful Jury Challenge in a Northern City. Criminal Law Bulletin, v. 11, no. 2: 157-172. March-April 1975. (NCJ 19783)

This article presents an account of laws, processes, and investigative work involved in the successful challenge of almost the entire Erie County jury pool--some 110,00 jurors--in the Attica Prison disturbance cases. The author states that challenge to an entire jury pool has become increasingly common in major criminal cases where race, sex, or status may affect the minds of jurors, either covertly or overtly. A background on the Attica Prison disturbances and the constitutional law applicable to a challenge for discrimination in the selection of the jury venire are provided. The investigative and statistical processes that were employed in mounting a challenge to the jury selection process are then described. These included the formulation of a basic description of the jury selection process in Erie County, a comparison of jury pool names and addresses with census tract information, a telephone sample of qualified jurors to determine their race and sex, and an investigation of a sample of qualified and disqualified jurors. Significant disparities between the general population and the jury pool were found, based on sex, race, and age. The employees of the jury commissioner admitted to two violations of the law: systematically excluding women and students. It was these elements upon which the hearing judge based a decision to strike most of the jury pool. Although the decision

was formally based on the admitted errors of the former jury commissioner rather than on the challengers' proof, the author contends that the statistical methods used were of great value and can be used in any case of major importance to open up long-observed jury lists.

4. COE, K. Juror Utilization in Three Selected Oklahoma District Courts. Oklahoma Law Review, v. 29, n. 1: 65-109. Winter 1976.

(NCJ 34295)

The juror utilization practices in three courts were examined to determine how well these courts make use of their jurors' time and how well their practices compare to practices that are known to be efficient. After providing an overview of the benefits of efficient juror utilization and the state-of-the-art in juror utilization studies, the author presents the results of the studies undertaken in the Oklahoma County district court, the Tulsa County district court, and the Cleveland County district court. Each of these courts was observed and data were gathered for one jury term. Juror time-use information was gathered by means of four forms: a juror time sheet, a jury panel utilization data form, a jury pool status and transactions form, and a questionnaire of jurors' opinions on jury service and their suggestions for improvement. The results of each court study are reported separately. For each court the author indicates any unique operating procedures of the court; statistics on juror attendance, caseloads, and voir dire panels; the results of several measures of juror utilization; the extent to which efficient juror utilization practices are employed in the court; and the results of the juror questionnaire.

5. DAUGHTREY, M. C. Cross Sectionalism in Jury-Selection Procedures After Taylor v. Louisiana. Tennessee Law Review, v. 43, n. 1: 1-107. Fall 1975.

(NCJ 35899)

In the 1975 Taylor v. Louisiana decision, the United States Supreme Court invalidated Louisiana jury selection provisions that required a woman to register with court officials in order to be eligible for jury service. This article examines the impact of Taylor on State jury selection procedures, particularly those statutes in Tennessee and four other States (Alabama, Georgia, Missouri, and Rhode Island) that permit a woman to decline jury service for no reason other than her sex. Also considered are the necessity for Supreme Court mandated guidelines for State jury selection and the best procedures for producing cross-sectional representation sufficient to withstand constitutional attacks. Discussed are the development of the cross-sectional principle, including the systematic-exclusion theory and special exemptions for women, as well as the implementation of the

cross-sectional standard (that the source of jury lists should reasonably reflect a cross section of the population suitable). The analysis of the Tennessee jury selection systems also includes a proposal for legislative reform.

6. DOWNIE, L., JR. Justice Denied--The Case for Reform of the Courts. Baltimore, Maryland, Penguin Books, 1971. 224 p. (NCJ 10142)

The book presents a criticism of practices, inefficiencies, and inequities of the American trial court system and also discusses current proposals for court reform. The information presented is based on visits to courts across the nation, interviews with court officials and attorneys, and intensive research into court reform literature. The author finds the courts to be grossly inadequate in handling the demands placed upon them. Justice is subjugated to expediency by the ever-increasing practice of plea bargaining. Long delays in case scheduling and legal proceedings cause the costly and unwarranted detention of defendants. The high cost of legal representation is prohibitive for many citizens, who find themselves being represented by poorly paid court appointed lawyers. Outmoded court administration practices further impede the system's operation. Reforms include removal of criminal sanctions from revolving-door crimes such as gambling, prostitution, drug addiction, alcoholism, and vagrancy; elimination of automobile accident litigation; court reorganization to end jurisdictional confusion; application of modern management and computer technology to court operations; abolition of minimum-sentencing laws; increased rehabilitative sentencing; elimination of juries, at least in civil cases; better legal protection for the poor; and restructuring of legal education to provide better training for trial lawyers and subprofessionals to work as clerks and probation officers.

7. EXCLUSION OF YOUNG ADULTS FROM JURIES: A THREAT TO JURY IMPARTIALITY. Journal of Criminal Law and Criminology, v. 66, n. 2: 150-164. June 1975. (NCJ 26020)

This article is an examination of current legislative and judicial attitudes toward the inclusion of young adults on juries, and also presents an evaluation of the impact of those attitudes on the criminal defendant's right to an impartial jury. The author concludes that underrepresentation or total exclusion of young adults constitutes a potential threat to the sixth amendment guarantee of jury impartiality. The fact that a young defendant may find himself confronted by a panel of jurors whose values, attitudes, experiences, and ages differ greatly from his poses a serious problem. To alleviate the possibility of bias against young defendants, jury selection processes should include in the panel persons of ages closer

to those of young defendants. The author also feels that inclusion of 18- to 21-year-olds would not only increase the probability of a truly impartial jury system, but would also encourage a deeper respect for the concepts of criminal justice, particularly by young adults, who are comprising an increasing portion of the population.

8. FRIESEN, E. C. Constraints and Conflicts in Court Administration. Public Administration Review, v. 31, n. 2: 120-124. March-April 1971.
(NCJ 07820)

Traditional practices in judicial procedure and organization that hinder the application of modern management theory to the court system are presented in this article. The following topics are examined: the dependency of the courts on executive and legislative activity for their resources, the adversary theory, lawyers' conceptions of their role, the jury system, procedures for the selection and tenure of judges, the statutory division of labor, and court organization.

9. GINGER, T. J. and C. M. POWERS. Mississippi Juror Age Requirement--Unfair to the Defendant, Unfair to the Young, and Unfair to the Public--Is It Constitutional? Mississippi Law Journal, v. 47, n. 1: 1-30. January 1976.
(NCJ 31865)

This article argues that the systematic exclusion of 18- to 20-year-olds in the Mississippi jury selection scheme amounts to purposeful exclusion of a socially distinct group, and is therefore unconstitutional. The constitutional requirements for jury selection, and in particular, the substantial cross-section rule are first examined. The author then explores the issue of youth as a judicially cognizable class, since in order to make out a prima facie case of discrimination in the composition of grand and petit jury venires, a defendant has the burden of showing systematic exclusion of a cognizable class, or distinct group, within the population. The author cites numerous studies and polls which indicate substantial attitude and value differences between youths and older adults in support of his contention that youths constitute such a class. Also examined is the age subgroup (compared to the 18- to 30-year-old group) to warrant legal cognizability. The author contends that even if the Mississippi Court is willing to hold the 18- to 21-year-old group cognizable, this group should be included, since its exclusion causes the larger, legally cognizable 18- to 30-year-old group to be substantially underrepresented. The premise of this alternative challenge is that the 18- to 30-year-old group is indeed legally cognizable. The author concludes that the 18- to 21-year-old group should be included, and states its inclusion will protect defendant's rights,

benefit the public, and help integrate these young adults into "the system."

10. HANDMAN, L. R. Underrepresentation of Economic Groups on Federal Juries. Boston University Law Review, v. 57, n. 1: 198-224. January 1977. (NCJ 41651)

In United States v. McDaniels (1973), the Louisiana District Court held that acute underrepresentation of low income groups on the juror list for that district did not violate the Jury Selection and Service Act of 1968. This act mandates the use of voter registration lists as the initial source for Federal juries, but requires that Federal courts supplement the voter lists when they do not reflect a fair cross section of the community in which the court convenes. Despite the national underrepresentation of both minority and low income groups on voter lists, and thus on juror lists, no Federal judiciary has apparently read the supplementation remedy out of the act and has sacrificed the congressionally declared national policy of cross-sectional juries to the interests of uniformity. Congressional intent regarding underrepresentation of low income groups is clear. The cross section, as envisioned by Congress, must reflect the economic, as well as the racial, sexual, ethnic, and religious composition of the community. Although the McDaniels court correctly determined that supplementation is appropriate to remedy both intentional and unintentional underrepresentation, the court relied upon the judicially created cognizable class requirement to hold that underrepresentation of low income groups can not be remedied by supplementation. Yet the cognizable class requirement should not present a bar to adequate representation of low income groups. Appropriately defined, those groups that constitute cognizable classes should parallel the groups whose representation Congress found essential to the cross section. The practical problems inherent in remedying underrepresentation of economic groups do not militate against recognizing economic status as a cognizable characteristic. Rather, courts should weigh the problems in determining whether the underrepresentation is substantial. To conclude, as the McDaniels court did, that substantial underrepresentation of low income groups on Federal juries cannot be remedied contravenes the national policy of representative juries.

11. JAMES, H. Crisis in the Courts. New York, David McKay, 1968. 282 p. (NCJ 10743)

The judicial process, which was investigated on a countrywide tour and included an observation of numerous State court systems, is described in this book based on weekly articles from the Christian Science Monitor. The extent of case backlog, the political spoils

system, the incompetency of many State court judges, and existing discrimination against the poor are revealed in this critique of the judicial system. The need for reform is seen in municipal and minor courts, judges and lawyers, the adversary system, police procedures, bail, the right to counsel, juries, and the role of the citizen. The book is written in journalistic style and is illustrated by numerous case studies.

12. JUROR IN NEW YORK CITY: A SURVEY OF ATTITUDES AND EXPERIENCES. New York, New York City Subcommittee on the Jury System, 1973. 408 p.
(NCJ 41139)

This book contains the findings of a survey of juror opinions in New York City. It is made up of the opinions of 2,416 jurors on such questions as: What is your opinion of the security in the courthouse; what do you think of the fee jurors receive; and what are your attitudes about the court officials and the courtesy extended to jurors. Other issues that jurors expressed their opinions on included utilization of juror's time, physical comfort of the court facilities, and methods of the lawyers. A juror profile of age, sex, race, and prior jury duty is also included.

13. MASSACHUSETTS GOVERNOR'S SELECT COMMITTEE ON JUDICIAL NEEDS. Report on the State of the Massachusetts Courts. Boston, 1976. 88 p.
(NCJ 42748)

Court delays and waste are considered to be of such a magnitude that the administration of justice in Massachusetts is deemed on the brink of disaster. Causes of delay and waste in the courts are judged to be an extraordinary fragmentation of jurisdiction and responsibility. Some of the problems covered in this publication are the failure to provide the judiciary with tools of good management; the imbalance of resources and jurisdiction; the failure of governors and legislatures to provide sufficient judges for the superior court; and the failure to modernize the procedures and practices which govern the flow of cases. Recommendations include the reorganization of the courts to focus on managerial responsibility and permit wiser planning along with more flexible use of all resources available to meet changing needs; the strengthening of the district court system; increasing the combined strength of trial courts to 258 judges, with 15 judgeships transferred to the superior court; and the institution of reforms of practice and procedure affecting the calendaring and flow of cases. The report contains other recommendations pertaining to such subjects as jury reform, the selection of judges, complaints against the judiciary, and the training and professionalization of nonjudicial officials and employees in the judicial branch.

14. PABST, W. R., JR. and G. T. MUNSTERMAN. Economic Hardship of Jury Duty. Judicature, v. 58, n. 1: 494-501. May 1975. (NCJ 25418)

This article reviews the economic losses incurred by jurors as a result of income loss, extended jury terms, daily expenses, and repetition of jury duty, and suggests means to alleviate these financial losses. The authors also review the inequities of the jury system. They note that some jurors serve longer terms than others, that jury fees vary widely, and that many jurors are called to serve several times while other citizens are never called. Figures on monetary losses of jurors are provided. The authors suggest that jury selection procedures be modified to allow for greater representativeness of the prospective juror list and for random selection of jurors. Although raising jury fees to avoid economic hardship is seen as a desirable alternative, both socially and politically, the authors acknowledge that many courts may not be able to support the additional costs. Reducing the jury terms to avoid economic hardship is seen as an effective and less drastic remedy. However, since there is little pressure by the public for such a reform, the authors argue that this is a step that the courts must take on their own and for their own good.

15. PABST, W. R., JR., G. T. MUNSTERMAN, and C. H. MOUNT. Myth of the Unwilling Juror. Judicature, v. 60, n. 4: 164-171. November 1976. (NCJ 38307)

Based on responses to a questionnaire survey of 3,000 jurors who had recently served in 18 different courts, this article contends that jurors view jury duty as a valuable opportunity rather than an onerous burden. About 90 percent of those responding were favorably impressed with jury duty or felt more favorably toward it than they had before their service. The three things that veniremen appeared to dislike most were long periods spent waiting in the jury lounge, not being selected as a sworn juror in at least one trial, and long terms of jury service. Factors having a neutral or negligible effect on juror attitudes were the size of the jury fee and whether a juror lost income as a result of serving. Suggestions for improving the jury system without cost to the courts and without disruption of the judicial processes include shortening the length of service, involving more people, cutting down on waiting time, and seeing that each juror gets a chance to serve.

16. PIERCE, D. V., JR. Female Exemption From Jury Service in Missouri. UMKC Law Review, v. 43, n. 3: 382-391. Spring 1975. (NCJ 28146)

This is a discussion of Missouri statutes allowing the exclusion of women from jury impanelment solely upon the basis of their sex. Ex-

emption of women from jury service is examined as a violation of the defendant's 6th and 14th amendment rights to a fair jury trial. Related cases pending before the Supreme Court are also discussed.

17. RICHERT, J. P. Juror's Attitudes Toward Jury Service. Justice System Journal, v. 2-3: 233-245. Spring 1977. (NCJ 42207)

This paper investigates the degree to which jurors are willing to serve by examining the reactions of a sample of citizens following their actual selection as veniremen. The study addressed the attitudes of people when asked to serve on juries, the number who are unwilling to serve, and the reasons those selected for service fail to do so. While the scope of the study is limited to an inquiry of the degree of public willingness to serve on a jury, it examines some possible implications which public resistance to jury duty may have on the institution itself, as well as on the quality of justice in the United States.

18. SIMON, R. J., Ed. Jury System in America: A Critical Overview. Beverly Hills, California, Sage Publications, Inc., 1975. 254 p. (NCJ 32733)

This is volume 4 of the Sage Criminal Justice System Annuals which presents 11 articles that trace the role of the jury in American history, review its functioning and performance, and present the views and opinions of those involved in the jury system and trial process. It contains contributions by historians, behavioral scientists, practicing attorneys, judges, journalists, literary critics, and jurors--each describing and evaluating the jury from his or her particular vantage point. The volume has three major sections. In the first, a brief history of the American jury and its role in American history is provided. The second section describes current research and reviews important prior research on the jury by behavioral scientists. Each article describes an aspect of the juror's behavior or the jury system and summarizes major related research that has been conducted on that same issue. The research topics include an analysis of the juror selection process, the social psychology of jury deliberations, the selective characteristics of jurors and litigants and their influence on juries' verdicts. In the final section, a variety of perspectives on the function and value of the jury in America is provided. Articles written from the viewpoint of the judge, the press, the bar, and the jury are included.

19. SINGER, S. Courtroom Discrimination. Police Law Quarterly, v. 2, n. 2: 28-36. January 1976. (NCJ 32049)

The author reviews several judicial decisions bearing on the issue of unfair discrimination for two problem areas: the imposition of the death penalty and certain procedures in the jury selection process. Early cases dealing with discriminatory imposition of the death penalty are first reviewed. The author then discusses the effects of Furman v. Georgia and describes the efforts of many States to impose revised, nondiscriminatory death penalty statutes. Cases dealing with three types of jury selection discriminations are reviewed. These types of bias include the exclusion of certain segments of the community from jury service, the bias of persons selected for jury service, and the selection or exclusion of particular jurors.

20. U.S. ADMINISTRATIVE OFFICE OF THE U.S. COURTS. Juror Utilization in United States District Courts, 1977. Washington, D.C., 1977. 166 p. MICROFICHE (NCJ 47669)

A compilation of grand juror and petit juror statistics for the year which ended June 30, 1977, and comparison statistics with these two systems for the last 3-year period and 5-year period, respectively, are presented. Summary statistics on the use of grand and petit jurors in the Federal court system are presented, with special reference to juror utilization. Tabular data provide national totals of grand juror statistics and proceedings by indictment and grand juror usage. The same statistics are given for petit juries. Juror utilization from 1972 to 1977 is compared. The total juror costs for the year under study were \$20,275,000. Data provide information on how the money was spent, grand juror costs and payments, and petit juror costs and payments. Juror usage profiles are explained, and the profile for each circuit is given. Appendixes include a glossary of terms and a list of the U.S. District Courts that have adopted rules reducing the size of civil juries. A national juror usage profile is also provided.

21. U.S. COMPTROLLER GENERAL. Further Improvements Needed in Administrative and Financial Operations of the U.S. District Courts. Washington, D.C., U.S. General Accounting Office, 1976. 39 p. MICROFICHE (NCJ 35213)

The results of a review of selected administrative and financial operations of the U.S. district courts to determine progress made in correcting problems outlined in a 1970 report on the U.S. district courts are presented. The review was made in the U.S. district courts for the central and southern districts of California, the

middle district of Florida, and the eastern district of Pennsylvania, and the Administrative Office of the U.S. Courts. Circuit court offices were also visited in the second, third, fifth, seventh, and ninth circuits. The study reviewed the pertinent laws, regulations, and records and interviewed circuit and district judges and other officials of the courts and administrative office. It was found that the judicial councils have often been inactive in carrying out their administrative responsibilities. In the absence of effective oversight, undesirable practices persist at certain courts, including the calling of more jurors than needed, the retention of infrequently used court facilities, inadequate safeguards for moneys and property in court custody, and the maintenance of funds in court custody in non-interest-bearing commercial bank accounts. The report recommends that judicial councils assure that district courts take the necessary steps to improve these conditions. It also states that in light of the long-term inactivity by judicial councils and the factors contributing to this inactivity, such as independence of judges, the Congress should reexamine the role of the judicial councils in carrying out their administrative responsibilities over district courts.

22. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Facets of the Jury System--A Survey. Williamsburg, Virginia, National Center for State Courts, 1976. 120 p. (NCJ 37443)

This report focuses on constitutional issues and procedural developments which have caused the jury system to undergo radical changes. Three aspects of constitutional dimension are reported--scope of right to jury trial, size of jury, and unanimous verdicts. The changes in the jury process discussed are the selection of the venire, the selection of the panel, the procedure during trial, and the role of the court in administering the system. The issues involved include the use of computers, development of psychological profiles, note taking by jurors, and the length of the term of service. Pertinent Supreme Court decisions are cited. Charted data on State practices relating to juries of less than 12, less than unanimous verdicts, master jury lists, pattern jury instructions, and juror compensation are provided. The appendix contains a State-by-State summary of constitutional and statutory provisions regarding jury size and unanimity of verdicts. A selected bibliography is included. This report is intended as an information guide for use by judges, court administrators, legislators, executive departments, citizens groups, journalists, and others concerned with judicial administration.

PROPOSALS FOR CHANGE

23. ALFINI, J. J. Courthouses and Courtrooms: Selected Readings. Chicago, Illinois, American Judicature Society, 1972. 84 p. (NCJ 15019)

This is a collection of 17 readings dealing with the development of new and more efficient courtroom and courthouse designs. The history and the problems of courtroom design are first described, and proposals for the development of standards which a modern court facility should meet are presented. Several selections are included on specific courthouse construction or remodeling projects to show how areas such as judge's chambers, juror and witness waiting areas, space for clerical personnel, and conference areas come into play in planning new court facilities. Special attention is given to two areas of court facility design which are most often neglected--juror accommodations and facilities for the press.

24. AMERICAN BAR ASSOCIATION. Management of the Jury System. By M. Solomon. Chicago, Illinois, 1975. 44 p. MICROFICHE (NCJ 31563)

Guidelines and recommendations are presented for the effective selection of jurors, management of jury service, and juror utilization. The following topics were considered: regulation and administration of juror selection; eligibility for jury service; selection procedures; responsibility for efficient use of jurors; the management function; length of jury service; the jury pool system; anticipating requirements for jurors; panel for voir dire; reception of jurors and waiting facilities; juror pay; and automation in the jury system.

25. AMERICAN JUDICATURE SOCIETY. Jury Process: A Bibliography. Chicago, Illinois, 1968. 15 p. MICROFICHE (NCJ 15084)

This is a listing of publications subdivided under nine different headings. Publications are listed under the categories of exemptions from jury duty, selection of jurors, peremptory challenges and voir dire examinations, instructions to the jury, jury conduct, challenging the verdict, less than unanimous verdicts, and juries of fewer than 12 persons. There is also a section on general topics.

26. BERK, B. A., M. HENNESSY, and J. SWAN. Vagaries and Vulgarities of "Scientific" Jury Selection: A Methodological Evaluation, Evaluation Quarterly, v. 1, n. 1: 143-158. February 1977. (NCJ 39755)

This article is an examination of the kinds of survey data routinely used in the juror selection process, particularly noting survey measures, sampling, data reduction, and statistical analysis and model building.

27. BERKSON, L. C., S. W. HAYS, and S. J. CARBON. Managing the State Courts--
Texts and Readings. St. Paul, Minnesota, West Publishing Company,
1977. 379 p. (NCJ 41470)

This collection of 41 essays focuses on the routine nature of the day-to-day management of State trial courts and includes pragmatic and concrete suggestions on how to update judicial management machinery. Although there are 13 chapters in the volume, the subject matter may be conceptually divided into 2 major parts, systemic reforms that impact upon the entire State judicial bureaucracy as an entity and specific reforms that may be implemented in each individual court within the larger system. The volume begins with an appraisal of court reform in terms of its historical and contemporary components, and then focuses on the potential impediments to systemic reform and the various methods that have been utilized to overcome these obstacles. Traditional topics of court reform emphasizing unification and methods of selecting, disciplining, and training judges are presented in the ensuing chapters. In addition, the personnel who manage State judicial systems--judges, court administrators, and court clerks--are analyzed according to their administrative characteristics, utilization, and methods of operation. Additional chapters include an extensive discussion of the means by which individual courts can improve their managerial techniques, a presentation of alternative methods of juror utilization, an analysis of budgetary problems, and suggestions on various unique methods for their resolution. Also examined are the use of technology by the judiciary and suggestions on ways to improve records, space, and courthouse management. The final chapter explores two rapidly developing areas of court management--planning and evaluation. This book is designed to be utilized either as a principal text for introductory courses or as a supplemental reader in advanced classes exploring the science of judicial administration.

28. BRAMS, S. J. and M. D. DAVIS. Optimal Jury Selection: A Game-Theoretic
Model For the Exercise of Peremptory Challenges. New York, 1976.
60 p. (NCJ 40630)

A game-theoretic model is developed for the exercise of peremptory challenges by defense and prosecution in trial juries in this paper that was presented at the annual meeting of the Public Choice Society in Roanoke, Virginia, April 15-17, 1976. Potential jurors with a priori probabilities of voting for conviction are assumed to be chosen randomly from a population and come up one at a time for decision. Each side must decide to accept or challenge a potential juror as a function of his a priori probability, the distribution of these probabilities in the population, the number of jurors remaining to be selected, and the number of peremptories both sides have remaining. A number of conclusions are derived from the numer-

ical results having to do with the effects of different numbers and proportions of challenges allotted to each side, different assumed distributions from which jurors are chosen, and different sized juries. Empirical evidence, particularly from recent, widely publicized trials, is presented in support of the major assumptions of the model. Despite the apparent applicability of the model to some jury selection procedures, it is argued that procedures that encourage strategic calculations of the kind modeled introduce not only an extraneous element into the jury selection process but may also undermine a right of the accused guaranteed by the sixth amendment--an impartial jury--that peremptory challenges are designed to promote.

29. COURTROOM DESIGN: A GUIDELINE TO PLANNING. Austin, Texas, Barnes, Landes, Goodman, Youngblood, undated. 27 p. MICROFICHE (NCJ 39223)

This handbook gives plans for ideal physical courtroom layouts to smooth operations and minimize annoyances. Each ingredient of courtroom functioning--the judge, the attorneys, the witnesses, the jury, the court reporter, and the public--is taken into consideration. Furniture requirements, communication requirements, and space and movement requirements are presented for each in determining the best layout and design of modern courtrooms. Spatial relationships, positioning, and distances between each of these ingredients is given. Illustrations, diagrams, and floor plans are included. The physical set up of other courthouse functions, such as the law library and the reception and conference areas, is given. Helpful materials are supplied on acoustics, lighting, and visual aid displays.

30. FEDERAL JUDICIAL CENTER. Suggestions for Improving Juror Utilization in the United States District Court for the Southern District of New York. By W. A. Stoevers. New York University Institute of Judicial Administration, 1971. 98 p. MICROFICHE (NCJ 14553)

A proposed system for cutting down the excess of jurors called into the courthouse over the number who are actually required to meet the judges' needs is presented. The proposed system is based on a 4-month study of the number and timing of panels actually sent to voir dire compared to the number and timing of panels ordered by judges. It was found that the total number of jurors ordered by the judges for a given day was almost always much larger than the number which is actually needed for voir dire. The study revealed that there is a natural spread of trial starting times throughout the day, and guidelines are presented in this report which are designed to take advantage of this naturally occurring spread. Reductions in the number of jurors called and in the size of the panel

sent to criminal and civil voir dices are proposed to reduce costs and wasted time of jurors. Suggestions for application of this system are provided.

31. FLANGO, V. E. Court Administrators: Advocates for the Judiciary. DeKalb, Illinois, Northern Illinois University, 1976. 4 p.

MICROFICHE (NCJ 36626)

This essay exploring the actual and potential roles of court administrators in increasing judicial productivity as a means of decreasing court congestion is presented in Policy Issues, a publication of the Northern Illinois University. An analysis of the basic problem of court congestion is undertaken with special reference to Illinois courts. The inadequacies of previous remedies to the congestion problem, including decreased jury sizes and nonunanimous verdicts, as well as an increased number of judges to decrease trial delays, are discussed. Methods of improving court administration through system unification and the use of computers for clerical support tasks are proposed. The future of court administration is briefly assessed.

32. FRIEDMAN, M. J. Six-Man Juries and Unanimous Verdicts. Criminal Justice Quarterly, v. 1, n. 2: 90-98. Spring 1973. (NCJ 25290)

The question of whether the constitution of New Jersey should be amended to allow nonunanimous verdicts and six-person juries in criminal cases is considered through a review of related court decisions and State laws. A brief history of the right to trial by jury is presented. The New Jersey constitution is then reviewed and the provisions for trial by jury are cited. It was found that the statutory law of New Jersey does not specifically refer to unanimity of verdicts, while the New Jersey Supreme Court has promulgated a rule which calls for a jury of 12 in criminal actions, unless the parties stipulate a lesser number and the crime is not a capital offense. The effects of nonunanimous verdicts and six-person juries are discussed, including the financial benefits of smaller juries and the possible effect of nonunanimous verdicts on due process of law. Several Supreme Court rulings relating to these issues are cited, and the laws of those States allowing less than unanimous verdicts and six-person juries are reviewed. It is concluded that the U.S. Supreme Court has removed the constitutional impediments of statutes calling for juries of less than 12 and of statutes permitting less than unanimous verdicts in criminal cases. The question still remains whether to permit these changes in New Jersey in light of possible or probable human behavior. The author states that the ultimate decision will depend in large part on the results reached in

other jurisdictions which have already abandoned the 12-person jury and the unanimous verdict.

33. FROST, S. W., R. A. SIBLEY, and J. B. WYATT. Jury Selection System: As Designed and Implemented for Harris County, Texas. Houston, Texas, 1969. 39 p. (NCJ 10275)

The planning and implementation of computerized jury selection in Harris County, Texas, is presented, including operational comparisons between the old manual method and the new automated system. Data security is discussed, along with diagrams and flowcharts showing the operational details of the system. A bibliography listing works consulted in the preparation of the system is provided, as well as a technical description of the random number generator.

34. KAIRYS, D., J. B. KADANE, and J. P. LEHOCZKY. Jury Representativeness: A Mandate for Multiple Source Lists. California Law Review, v. 65, n. 4: 776-827. July 1977. (NCJ 44018)

The adoption of standards of representativeness for jury source lists and jury pools is proposed, and methods for implementing multiple source list systems simply and inexpensively are suggested. The constitutional mandate for representativeness embodies the fundamental right of litigants to a fair trial; the right of citizens to serve on juries; and societal interest in the legitimacy, integrity, and impartiality of the judicial process. Although reforms have been instituted by the Federal Jury Selection and Service Act of 1968 and by similar legislation in five States, the failure of the courts to formulate and enforce appropriate standards for source lists has confused issues and eroded the constitutionally mandated representativeness principle. The unrepresentativeness of Federal and State jury systems is largely attributable to the unrepresentativeness of the voter registration list, the single source list used by most systems. Multiple list procedures are necessary to overcome the biases and exclusiveness inherent in any available single list. Voter registration lists significantly underrepresent racial minorities, people under age 40, people with low incomes and poor education, blue-collar workers, and the unemployed. Lists chosen to supplement the voter registration list should compensate for these deficiencies. Data from various jurisdictions indicate that voter registration lists combined with licensed driver, public assistance, and unemployment lists generally will provide a representative and inclusive jury source list. The theoretical and practical aspects of implementing multiple list systems are considered, and several techniques for combining multiple lists and for choosing the lists to be used are discussed. The characteristics of multiple list systems in use in 21 jurisdictions are summarized in a table.

35. KAUFMAN, I. R. Harbingers of Jury Reform. American Bar Association Journal, v. 58: 695-697, 700. July 1972. (NCJ 04840)

Reform is necessary if the jury, as an institution, is to be saved. Smaller juries, less than unanimous verdicts, more efficient juror utilization, and expanded eligibility are discussed as possible reforms.

36. MacDONALD, M. E. Computer Support for the Courts: A Case for Cautious Optimism. Judicature, v. 57, n. 2: 52-55. August-September 1973. (NCJ 16141)

A review is presented of standard computer uses in the courts, innovative applications of electronic data processing to court problems, and cautions to be observed in the use of court computers. Computerized jury systems, computer control of court dockets, and computer models of the courts are among the applications of electronic data processing discussed. New uses for computers in the courts include a computerized stenotype translation system for the production of court transcripts, computer preparation of periodic or special management reports for the courts, and integrated criminal justice computer systems. The need for close coordination between the computer scientist and the user in designing computer systems for the courts is stressed. Also discussed are data security; the necessity to limit access to certain court information, such as juvenile records; and the need to coordinate user needs into a computer system design.

37. MICHIGAN OFFICE OF CRIMINAL JUSTICE PROGRAMS. Wayne County (Michigan): One-Day/One-Trial Jury System. Lansing, Michigan, 1976. 36 p. MICROFICHE (NCJ 39453)

The one-day-one-trial jury system ensures that a juror will serve no longer than the duration of one trial for which he is impaneled or one day if not impaneled, whichever is shorter. This system results in more efficient juror usage, less inconvenience to jurors, fewer excuses from jury duty, and a sizable monetary savings to the court. This report describes the organization of the project, the role of the judge (expanded in that jurors must be oriented daily), the selection of jurors (computer-generated lists), management of the system, and the attitudes of jurors who have served under the system. The report states that the juror orientation process was greatly enhanced through the use of audiovisual aids (slide shows). The independently authored chapter on juror attitudes reveals that the great majority of jurors were impressed with the court's efficiency and would be happy to serve again. See also NCJ 39454 and 39452.

38. Wayne County (Michigan): One-Day/One-Trial Jury System. Computer Documentation. Lansing, Michigan, 1976. 36 p.
MICROFICHE (NCJ 39452)

This report describes the computer logic necessary to generate the several lists needed to operate the Wayne County one-day-one-trial jury system. These lists include a master voters list, a master juror file, accepted voters file, a geographical location list of jurors, a juror summons file, a check-in list, and a case file. Flow charts and equipment descriptions are also provided, as well as exhibits that illustrate computer outputs. Those exhibits containing personal information on jurors have been eliminated for NCJRS data base entry. See also NCJ 39453 and 39454.

39. Wayne County (Michigan): One-Day/One-Trial Jury System. Sequential Plan of Implementation. Lansing, Michigan, 1976. 119 p.
MICROFICHE (NCJ 39454)

This document reports on the steps that were taken to implement the Wayne County, Michigan, one-day-one-trial jury system. Information is included on the compilation of the Wayne County master voter registration list for data processing (a computer-aided operation); generating the first voter list; addressing and mailing juror personal history questionnaires; publicity; and the prescreening, screening, and classification of returned questionnaires. Other facets of the implementation of the program include predicting the number of jurors, arranging for standby jurors, computer-generated juror lists, service of and response to summons, check-in and orientation, panels, and payroll. A built-in juror attitude survey is also described. The appendix contains exhibits of most forms and computer outputs used by this program. Some were eliminated for NCJRS data base entry because they contained personal information on jurors. See also NCJ 39452 and 39453.

40. MORRIS, J. W., JR. and R. E. SAVITT. Bruton Revisited: One Trial/Two Juries. Prosecutor, v. 12, n. 2: 92-94. 1976. (NCJ 38022)

This article explores the avoidance of severance through the use of simultaneous juries in cases where one defendant has made a confession which implicates another defendant. This solution to the cost, time, and witness problems of two separate trials was tried in the instant case of Bruton v. United States (1968) in a Los Angeles superior court. The background of this case is discussed along with the jury selection and trial procedures necessitated by a double jury trial.

41. MUNSTERMAN, G. T. and W. R. PABST, JR. Differences in the Economic Burden of Jury Duty. In Brounstein, S. H. and M. Kamrass, Operations Research in Law Enforcement, Justice, and Societal Security. (NCJ 38116). Lexington, Massachusetts, D. C. Heath and Company, 1976. 13 p. (NCJ 38130)

An analysis is presented of the economic impact of jury duty on citizens, in which the authors show that the burden is poorly distributed and suggest a simple means of improving such distribution. After providing information on the range of jury fees and terms of service in the State courts, the authors attempt to estimate the average loss of citizens per jury term. It is noted that fees range from \$3-\$16 a day, and that terms of duty range from 1-35 days. A wide range of economic losses due to jury duty was found. For example, figures ranged from \$41 in Houston to \$1,586 in Los Angeles for the average employed male in the 40-44 age group. Figures are also provided on the total economic loss due to jury duty. Results of a survey of jurors taken in various locations across the country are also reported. Although the reactions of jurors seemed to be generally enthusiastic, jury excuse patterns are examined as well. The authors conclude that greater progress can be made in equalizing the burden of jury duty by shortening jury terms than by any other single action.

42. NAGEL, S. and M. NEEF. Impact of Jury Size on the Probability of Conviction. Justice System Journal, v. 2-3: 226-232. Spring 1977. (NCJ 42206)

This article, drawing on statistical information from research by the University of Chicago, found that 12-person juries tend to convict 68 percent of the time, which is 2 percent more often than 6-person juries.

43. ONTARIO LAW REFORM COMMISSION. Report on Administration of Ontario Courts, 1973. Part 3. Toronto, Ontario, Canada, 1973. 485 p. MICROFICHE (NCJ 30238)

This publication is the third in a 3-volume report on a study designed to analyze and review existing institutions and practices and to recommend reforms for the more convenient, economic, and efficient disposal of cases. This volume covers the functions and duties of the master of the Supreme Court; the functions and duties of the rules committee under the Judicature Act; the small claims courts; the impact of legal aid; the role of the legal profession; court interpreters; court reporting; special examiners; pretrial procedure in civil cases; court accommodation; selection of jurors for jury

service; and law reports. One hundred recommendations for reform are presented. Also appended are a cumulative summary of recommendations (351) for the entire report and cumulative tables of cases and statutes cited in the report. For parts 1 and 2, see NCJ 30236 and 30237.

44. PABST, W. R., JR. What Do Six-Member Juries Really Save? Judicature, v. 57, n. 1: 6-11. June-July 1973. (NCJ 16468)

This article presents a discussion of two studies which deal with the effects of six-member juries on court time and manpower. The analysis of 147 civil cases tried in the United States District Court for the District of Columbia in 1971 showed virtually no difference in voir dire on trial time. There was only a 12 to 20 percent difference in overall juror manpower requirements. The results of a New Jersey court study of 6- and 12-member juries are also discussed. They revealed that the average time of cases going to verdict was about half as much with six jurors and that the smaller juries returned smaller average verdicts in civil cases. However, the effects of case size and degree of complication were not taken into consideration.

45. SAKS, M. J. Jury Verdicts--The Role of Group Size and Social Decision Rule. Lexington, Massachusetts, D.C. Heath and Company, 1977. 149 p. (NCJ 42103)

After presenting a state-of-the-art review of research on the effects of jury size and decision rules, the author describes the results of two simulation experiments on jury structure and decisionmaking. Whenever we consign to a group the role of decisionmaking, we obligate ourselves to make choices concerning at least two structural features of that group--its size and the social decision rule (SDR) that will define group consensus. Juries have traditionally operated with a group size of 12 and a SDR of unanimity. Both these features have recently been called into question, however. In the Supreme Court's majority and dissenting opinions in the cases concerning jury size and social decision rule, a number of empirical questions were debated. The author reviews these behavioral issues and points out some additional issues that the Justices did not raise. He then reviews and critiques a number of empirical research studies prompted by the Supreme Court's decisions in such cases as Williams v. Florida, Johnson v. Louisiana, and Apodaca v. Oregon. The two studies reported in-depth in this text were designed to examine the effects of varying group size and social decision rules on group processes and decisionmaking in the context of jury deliberations. The two experiments are identical to each other except that the first uses undergraduate students and a written transcript,

while the second uses real jurors and a videotaped trial. The results show that no one jury type captures all advantages and desirable characteristics. Specific advantages of each type of jury--6- and 12-member, unanimous and quorum verdict--are noted, and based on these findings, the author suggests a novel jury structure that combines the best features of each jury type.

46. U.S. CONGRESS. House Subcommittee on Criminal Justice. Proposed Amendments to the Federal Rules of Criminal Procedure: Hearings Before the House Subcommittee on Criminal Justice, February 23-24, and March 2, 1977. Washington, D.C., 1977. 320 p. (NCJ 42370)

Witnesses at this hearing present their support or opposition to the proposed amendments to the Federal rules of criminal procedure. Sixteen witnesses spoke at hearings on the amendments. The subcommittee also received written statements from other concerned groups and individuals. The amendments affect: rule 6 (e), relating to the secrecy of grand jury proceedings and disclosure; rule 23, relating to trial by jury or by the Court, and including a provision for juries of less than 12 persons; rule 24 (b), relating to peremptory challenges to jurors; a new rule 40. 1, relating to removal of criminal cases from State to Federal courts; and rule 41 (c), relating to issuance of search warrants upon the basis of testimony taken by a magistrate from someone not in his presence.

47. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Albuquerque and Bernalillo County (New Mexico): Short- and Long-Range Criminal Justice Facility Planning. Criminal Courts Technical Assistance Project. By K. Ricci. Washington, American University Institute for Studies in Justice and Social Behavior, 1974. 50 p. MICROFICHE (NCJ 39595)

Suggestions are presented on renovating and restoring certain court facilities, as well as on planning new, more modern ones. This report was prompted by the need to reconsider the size of existing Albuquerque court facilities given three factors--the growth of court caseloads, the greater sensitivity to individual rights within the judicial process, and the increasing sophistication in administration. Short-range recommendations include making space available in the present court building to accommodate the public, the judge, and court personnel. Various police operations housed there could be removed to make room. The other short-range recommendation involved adding space to the public defender's office. Long-range recommendations involve building construction for courtroom pooling, specialization, jury pooling, and security.

48. _____ . Law Enforcement Assistance Administration. California Jury Selection and Management Survey. San Francisco, California, National Center for State Courts Western Regional Office, 1976. 94 p.
(NCJ 40540)

This publication discusses the results of a 1976 survey of petit jury selection and management in the California municipal and superior courts. The survey was conducted to determine the extent of representativeness in juror selection and uniformity of management throughout the courts; the extent of inconvenience and delay for citizens called to duty; the adequacy of facilities for jurors; and the potential for cost savings in juror fees. Fifteen courts were studied--the municipal courts in San Bernardino, Oakland-Piedmont, Fresno, Central Orange, Monterey-Carmel, North Solano, Sunnyvale-Cupertino, Los Angeles; and the superior courts in San Diego, Santa Clara, San Bernardino, Tulare, Marin, Napa, and Los Angeles. Activities included onsite interviews and observations of present selection and management practices, a mail survey of jury facilities in all 58 counties in California, and a survey of members of the California Court Administrators' and Jury Commissioners' Association on improvements in jury selection and management. Specific recommendations for improvement were set forth for each area studied and topics for further study were suggested. An approach for solving the problems identified in the survey was outlined. Detailed data collected in the survey are contained in the appendixes.

49. _____ . Law Enforcement Assistance Administration. California: Select Committee on Trial Court Delay. Report 3. San Francisco, California Select Committee on Trial Court Delay, 1972. 30 p.
MICROFICHE (NCJ 16923)

Recommendations and commentary are provided on ways to reduce trial court delays in California superior courts by making the courts operate more efficiently in administrative, organizational, and judicial matters. This report offers suggestions that would expand the infraction category of public offenses; revise the voir dire procedure for selection of a criminal jury; reduce jury size in selected criminal cases; and revise the number of peremptory challenges in criminal cases. Other suggestions are designed to institute state-wide uniformity in certain aspects of jury service in criminal cases; authorize majority verdicts in selected criminal cases; require certification of counsel for participation in felony trial proceedings; enact an alibi statute; and transfer selected criminal prosecutions from the superior court to the municipal or justice court. See also NCJ 25105, 16922, 16924, 16925, and 25106 for other committee reports.

50. _____ . Law Enforcement Assistance Administration. Guidelines for the Planning and Design of State Court Programs and Facilities. Volume B: Court System Planning Concepts. Monograph B9: Jury Facilities. By J. M. Smith, M. F. Sheridan, R. J. Larson, and C. L. Grots. Champaign, Illinois, National Clearinghouse for Criminal Justice Planning and Architecture, 1976. 81 p.
(NCJ 37300)

This monograph examines the space needs of jurors and suggests a variety of possible architectural responses for improving the environment of jurors during their stay in the courthouse. Designs are included for various sized courts.

51. _____ . Law Enforcement Assistance Administration. Guide to Jury System Management. Vienna, Virginia, Bird Engineering Research Associates, Inc., 1975. 85 p. MICROFICHE (NCJ 31751)

Guidelines are presented for the planning and efficient operation of all aspects of the jury system. These aspects include the composition of source lists, the selection, qualification, and summoning of prospective jurors from those lists, and the utilization of jurors during the term of service. The study reports innovative and cost-effective techniques observed in many of the courts studied. Advantages and disadvantages of various practices are discussed, such as the use of multiple source lists, the combination of qualification and summoning into one step, and the use of randomization at every step of juror selection. Methods for monitoring jury system activities and for simplifying clerical paper work are introduced. The need for a formalized planning order to achieve an orderly, integrated jury system is emphasized.

52. _____ . Law Enforcement Assistance Administration. Jury System Research: Final Report, December 1975. Vienna, Virginia, Bird Engineering Research Associates, Inc., 1975. 67 p. MICROFICHE (NCJ 31737)

This report describes research carried out in developing A Guide to Jury System Management (NCJ 31751) and in evaluating the usefulness of the previously published A Guide to Juror Usage (NCJ 15215). The research involved the comparison of current jury management systems in many courts, including five pairs of State and Federal courts which draw jurors from the same areas. Data relating to their juror selection, notification, qualification, payment, and length of service policies were reviewed and analyzed. The utility of A Guide to Juror Usage was tested in 18 courts of various sizes, half of which received assistance in implementing its guidelines. Results show that use of the guide was effective in the courts, that assis-

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tance is beneficial, that small courts are more dependent upon assistance for successful implementation, and that the most necessary ingredient in improving juror utilization is strong court management.

53. Law Enforcement Assistance Administration. Use of Multiple Lists for Juror Selection: A Case Study for the Superior Court of San Diego. Criminal Courts Technical Assistance Project. By C. H. Mount and W. R. Pabst, Jr. Vienna, Virginia, Bird Engineering Research Associates, Inc., 1977. 75 p. (NCJ 43827)

This report analyzes source lists other than voter registration lists for prospective jurors, limitations of each, eliminating duplications, drawing a defensible random sample, and monitoring results. Lists of registered voters provide the principle source of names for selecting prospective jurors in Federal and State courts in the United States. However, voter lists vary from jurisdiction to jurisdiction with respect to the balance of the cross section and to the inclusiveness of the population. To overcome these deficiencies, many courts are supplementing the voter list with others, such as the motor vehicle lists, telephone lists, and utility lists. This report examines in some detail the lists available in San Diego, California. It recommends that the superior court use a combination of the voter and driver lists as a source of names. It also recommends specific technology for combining these two lists, since it finds them to be complementary with respect to both balance and inclusiveness. Other available lists are found to have serious weaknesses. The problem of duplicate recognition is discussed and a matching criterion is given. A new method, using questionnaire responses to reduce the duplicate level while maintaining a low probability of excluding a good name, is given. Courts now using multiple lists combine the entire list and then select only a few names as prospective jurors. A recently developed technique to achieve equal probability of selection without the full-list combination is discussed and the methodology is illustrated. This method is shown to save a great deal of computer and/or personnel time. The problem of geocoding names into proper court jurisdictions is also discussed. Appendixes to the report provide a general background to the current use of multiple lists and a discussion of the list characteristics. In addition to being a technical assistance report addressing the specific situation in San Diego, the methodology applies to any jurisdiction considering the use of multiple lists.

54. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Analysis of Juror Utilization in Monroe County. By A. Sayeed and J. K. Farley. Rochester, New York, University of Rochester, 1974. 85 p. MICROFICHE (NCJ 17423)

This study, prepared in coordination with the Rochester-Monroe County Criminal Justice Pilot City Program, examines schemes by which the size of the daily pool of potential jurors can be reduced without significantly increasing the probability of incurring delays due to the nonavailability of jurors. Reduction in the size of the daily pool will mean that the potential jurors will be utilized more intensively and will remain idle for shorter periods of time. The study examines six specific proposals which will enable the daily pool size to be reduced, and indicates for each proposal the amount of reduction and the saving in costs, both to the court system and to the community.

55. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Guide to Juror Usage. Bird Engineering Research Associates, Inc. Washington, U.S. Government Printing Office, 1974. 76 p. MICROFICHE (NCJ 15215)
Stock No. 4000-00238

Based on an analysis of methods used by numerous courts, general rules and techniques for efficient juror utilization are offered for court and jury managers. Most critics of the jury system do not realize the difficulties involved in making efficient use of all jurors who are called for jury duty. Under our system of justice, a large number of people are made available to the parties and the judge from which an unbiased jury is selected to hear a particular case. The selection process, or voir dire, generally lasts only a short period of time. The actual trial, however, may last for a day or more. The operation is one that requires many people for a short time and a few for a long time. In several jury systems, the "many" must wait until the "few" have finished a trial and until another selection process begins. The Guide to Juror Usage is based on an analysis of methods used by numerous State and local courts in improving juror utilization. General rules for good juror usage are offered for consideration by judges, jury clerks, court administrators, and others interested in conserving juror time, saving jury costs, and improving the morale of citizens who must serve. Suggestions include better correlation between the number of those called to serve and the number of jurors actually needed, staggered trial starts, and dismissal of juror whenever possible. Specific selections of the study describe methods for selecting the proper jury "pool" size and explain how data can be collected and analyzed to quantitatively measure and improve performance. Also included is a glossary of jury-related terms and a current bibliography on jury utilization and management.

56. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Jury System Operation: Final Report. Vienna, Virginia, Bird Engineering Research Associates, Inc., 1974. 170 p. MICROFICHE (NCJ 17426)

This report summarizes the many component studies of the jury system operation which was undertaken to develop and analyze knowledge on jury system operation and to develop juror utilization guidelines for courts. The specific aims of the study were to analyze and improve juror utilization practices of several courts, to formulate mathematical models of juror utilization, and to develop practical rules and procedures on juror utilization. These specific aims were accomplished by studying different court systems in depth. Individual reports on each of these courts were issued and are listed in Appendix A. A summary of these reports is provided in this document. Comparisons of court statistics are given for voir dire starting times, panel size, numbers not reached, duration of voir dire, and duration of trials. A description of the mathematical model developed in this study is then presented. In this section, the relation between characteristics of a given court and the risk of incurring court delay caused by insufficient jurors is developed using computer simulation methods. The system combines input data representing parameters of a court system with a fixed set of operating procedures to yield measures of system operation. Results of a questionnaire on juror attitudes are also included. The guidelines developed in this study are presented in A Guide to Juror Usage, which was previously submitted to LEAA and, at the time of this report, was under revision prior to government publication.

57. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. One Day/One Trial Jury System: An Exemplary Project. By K. Carlson, D. Whitcomb, and A. Halper. Abt Associates, Inc. Washington, U.S. Government Printing Office, 1977. 204 p. (NCJ 41516)

Stock No. 027-000-00539-0

Many citizens have come to perceive jury service as an onerous duty to be avoided whenever possible. Under the conventional 30-day term, a prospective juror is required to put aside personal responsibilities for a month to be entirely at the disposal of the court. In Wayne County, Michigan, the courts have adopted a promising alternative to the lengthy jury term--one-day-one-trial. As the name implies, jurors are eligible for service for only one day. If they are not selected by the end of the day, they have fulfilled their obligation for a year. Judges and administrators praise one-day-one-trial from two standpoints--efficiency in jury management, and improved administration of justice. The system taps seven times as many citizens for jury duty, makes better use of their time, and saves money for the courts. Intended primarily for judges, court

administrators, and other criminal justice officials who wish to improve the system of juror selection and utilization in their jurisdictions, this manual documents the history, operations, results, and costs of the Wayne County one-day-one-trial system. It also addresses specific concerns involving the replicability of the system. Attached as an appendix is a document prepared by Wayne County and intended as an aid to other jurisdictions; A Sequential Plan of Implementation is a detailed, step-by-step discussion of the one-day-one-trial system. The second appendix is a bibliography of selected readings on the subject of jury management.

58. WALKER, N. and A. PEARSON, Eds. British Jury System: Papers Presented to the Cropwood Round-Table Conference, December 1974. Cambridge, England, University of Cambridge Institute of Criminology, 1975. 107 p.
(NCJ 31406)

These 10 papers deal with varying aspects of the British jury system and compare some of them with their counterparts in the United States, Sweden, and Scotland. Other topics include the analysis of simulated juries, juror selection, acquittal rates, and judges' instructions.

59. WINTERS, G. R. Jury: Selected Readings. Chicago, Illinois, American Judicature Society, 1971. 133 p.
(NCJ 15018)

This is a collection of 17 readings which investigate the virtues and defects of the jury system and the proposals being made to improve the jury and its operation. The volume begins with a historical view of the jury system, followed by arguments for and against the retention of juries in civil cases. Two articles discuss proposals for a reduction in the size of the jury to five or six members rather than its outright retention or rejection. A series of articles which investigate proposals for improving the jury without changing its form are presented. These include discussions on ways to make the jury more representative, a study which substantiates the bias in present methods of jury selection, a discussion of the historical exclusion of women from juries, a discussion of the possibility of allowing simple majority verdicts, and a look at pattern jury instructions and their potential for increasing the jury's understanding of the law. The psychology of the jury and the ways in which psychology can be used to better understand and improve the jury system are also discussed. The readings conclude with two articles by people who have served on juries and discuss how the jury works and how it can be improved. Following the articles, the Uniform Jury Selection and Service Act is appended.

60. VAN DYKE, J. M. Jury Selection Procedures: Our Uncertain Commitment to Representative Panels. Cambridge, Massachusetts: Ballinger Publishing Company, 1977. 443 p. (NCJ 42114)

This book is a critical examination and investigation of the American jury system based on data collected from the jury practices of the Federal courts and a large number of State jurisdictions. The importance of the concept of the jury as an impartial, independent, and representative finder of fact in our judicial process is stressed throughout. Extensive demographic and statistical data and analyses of jury selection, excuse, and challenge processes are used to support the thesis that current procedures of jury selection fall significantly short of producing juries representative of all segments of the population. The arguments in favor of juries of fewer than 12 persons and less than unanimous verdicts are critically analyzed and rebutted. Correlations between jury size, composition, and verdict standard and the actual voting patterns are presented as proof of the importance of strict, random selection of jurors based on universal eligibility for jury service. Reforms for overcoming discriminatory selection practices are recommended. The author also reviews the historical development of the jury and relevant Supreme Court decisions.

61. VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION. Practical Suggestions for Juror and Witness Assistance. Richmond, Virginia, undated. 60 p. MICROFICHE (NCJ 40172)

Suggestions are presented on ways to utilize jurors and witnesses efficiently, to elicit their cooperation, and to leave them with favorable impressions of their court service. Suggestions for improved juror utilization are made in the areas of administrative considerations, the juror qualification process, summons procedures, and utilization techniques. Improved witness usage suggestions are made for the effective scheduling of police and thoughtful and considerate use of civilian witnesses. A study on the causes of witness noncooperation by Frank Cannavale is discussed. A brief description of the Virginia Criminal Information Network is included. The appendix contains sample jury panel utilization calculation forms that can be used by courts to determine the effectiveness of their juror utilization procedures.

62. ZEISEL, H. and S. S. DIAMOND. Convincing Empirical Evidence on the Six-Member Jury. University of Chicago Law Review, v. 41, n. 2: 281-295. Winter 1974. (NCJ 14084)

This article presents a critical review of experimental design and the interpretation of results in four studies on the effects of the

use of six-member juries, with suggestions for valid experimental designs to assess six-member jury results. The authors discuss the increasing use of six-member juries and the increase in references by the United States Supreme Court to empirical studies on the use of these juries. Four of the studies cited by the Supreme Court are reviewed. These include Washington and New Jersey studies which compare jury trials within a system that allows litigants to choose between the two jury sizes, a Michigan study using trial results in a "before-and-after study," and a laboratory study using experimental juries. Problems in the interpretation of study results and in experimental design which may have led to erroneous conclusions about the lack of difference in 6- and 12-member juries are discussed. Strategies which would allow accurate assessment of the differences in trial results induced by variations in jury size are outlined.

APPENDIX A—LIST OF SOURCES

1. American Judicature Society
Suite 1606
200 West Monroe Street
Chicago, IL 60606
2. Indiana University of
Pennsylvania
Indiana, PA 15701
3. Warren, Gorham, and Lamont,
Inc.
210 South Street
Boston, MA 02111
4. University of Oklahoma Press
Norman, OK 73069
5. Tennessee Law Review
Association
1505 West Cumberland Avenue
Knoxville, TN 37916
6. Penguin Books
7110 Ambassador Road
Baltimore, MD 21207
7. Williams and Wilkins Company
428 East Preston Street
Baltimore, MD 21202
8. American Society for Public
Administration
1225 Connecticut Avenue, N.W.
Washington, DC 20036
9. University of Mississippi
Law School
Box 146
University, MS 38677
10. Boston University
School of Law
765 Commonwealth Avenue
Boston, MA 02215
11. David McKay
750 Third Avenue
New York, NY 10017
12. Available only through
NCJRS Document Loan
Program.
13. Same as No. 12.
14. Same as No. 1.
15. Same as No. 1.
16. University of Missouri,
Kansas City
School of Law
5100 Rockhill Road
Kansas City, MO 64110
17. Institute for Court Management
1405 Curtis Steet
Suite 1800
Denver, CO 80202
18. Sage Publications, Inc.
275 South Beverly Drive
Beverly Hills, CA 90212
19. Illinois Institute of
Technology
Institute for Criminal Justice
3300 South Federal Street
Chicago, IL 60616
20. Available only through
NCJRS Document Loan Program
and NCJRS Microfiche Program.
21. U.S. General Accounting Office
Distribution Section
Room 4522
441 G Street, N.W.
Washington, DC 20548

22. National Center for State Courts
Publications Department
300 Newport Avenue
Williamsburg, VA 23185
23. Same as No. 1.
24. American Bar Association
1155 East 60th Street
Chicago, IL 60637
25. Same as No. 1.
26. Same as No. 18.
27. West Publishing Company
P. O. Box 3526
St. Paul, MN 55165
28. Same as No. 12.
29. Texas State Bar
Capitol Station
P. O. Box 12186
Austin, TX 78711
30. Federal Judicial Center
1520 H Street, N.W.
Washington, DC 20005
31. Center for Governmental Studies
Northern Illinois University
DeKalb, IL 60115
32. New Jersey Division of Criminal Justice
Appellate Section
7 Glenwood Avenue
East Orange, NJ 07017
33. Same as No. 12.
34. University of California,
Berkeley
School of Law
Berkeley, CA 94720
35. American Bar Association
1800 M Street, N.W.
Washington, DC 20036
36. Same as No. 1.
37. Michigan Office of Criminal Justice Programs
Lewis Case Building,
Second Floor
Lansing, MI 48913
38. Same as No. 37.
39. Same as No. 37.
40. National District Attorneys Association
211 East Chicago
Chicago, IL 60611
41. D. C. Heath and Company
125 Spring Street
Lexington, MA 02173
42. Same as No. 17.
43. Ontario Law Reform Commission
18 King Street East
Toronto, Ontario
Canada
44. Same as No. 1.
45. Same as No. 41.
46. U.S. Congress
House Subcommittee on Criminal Justice
Washington, DC 20515
47. American University
Institute for Studies in Justice and Social Behavior
4900 Massachusetts Avenue, N.W.
Washington, DC 20016

48. National Center for State
Courts
Western Regional Office
235 Montgomery Street
Suite 1550
San Francisco, CA 94104
49. California Select Committee on
Trial Court Delay
Suite 7212
State Building
San Francisco, CA 94102
50. National Clearinghouse for
Criminal Justice Planning
and Architecture
505 East Green Street
Suite 200
Champaign, IL 61820
51. Bird Engineering Research
Associates, Inc.
P.O. Box 37
Vienna, VA 22180
52. Same as No. 51.
53. American University Law School
Institute for Advanced Studies
in Justice
4900 Massachusetts Avenue, N.W.
Washington, DC 20016
54. National Technical Information
Service
5285 Port Royal Road
Springfield, VA 22151
55. Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
56. Same as No. 51.
57. Same as No. 55.
58. University of Cambridge
Institute of Criminology
7 West Road
Cambridge, CB3 9DT
England
59. Same as No. 1.
60. Ballinger Publishing Company
17 Dunster Street
Harvard Square
Cambridge, MA 02138
61. Virginia Division of Justice
and Crime Prevention
Parkham Park
8501 Maryland Drive
Richmond, VA 23229
62. University of Chicago
Law School
1111 East 60th Street
Chicago, IL 60637

APPENDIX B—JURY REFORM STUDIES

The Law Enforcement Assistance Administration is sponsoring a number of studies on the general topic of jury reform. Grantee institutions are identified as possible sources of additional information.

ANALYSIS OF JURIDIC DECISIONMAKING

Research to evaluate and compare various methodological strategies used or potentially usable in jury research; to investigate the relationship between moral judgment and juror performance; and to examine the effects of an extra-legal factor in juror performance.

Ohio University
Psychology Department
Athens, OH 45701

TASK INTERRUPTION/TASK INVOLVEMENT ON JURY DELIBERATION

An investigation of the effect of a juror's previous activities on his behavior during the jury deliberation process.

Catholic University of America
Office of Sponsored Programs
Washington, DC 20064

PRETRIAL PUBLICITY/JURY STRUCTURE SUPREME COURT/JURY DECISION

A test of the interactive impact of a variety of U.S. Supreme Court decisions whose substance involves jury decisionmaking. The most important question involves the conflict between a free press and a fair trial.

University of Kentucky Research Foundation
Department of Political Science
Lexington, KY 40506

JUROR UTILIZATION AND MANAGEMENT DEMONSTRATION PROJECT

The establishment of a jury management system based on recent studies including a Guide to Juror Usage (see entry No. 54) and a Guide to Jury System Management (see entry No. 50). These National Institute Demonstration Projects for improved jury management comprise five phases: review of juror utilization activities, plan to implement concepts developed by the National Institute in juror management; participation in a national seminar on juror management; improvement of juror management techniques; and provision of assistance to other local jurisdictions wishing to develop and improve juror management techniques.

Summit County Commissioners/Court
Common Pleas Court
53 East Center Street
Akron, OH 44308

Idaho SPA
700 West State Street
Boise, ID 83707

Superior Court of Massachusetts
Office of the Chief Justice
New Courthouse
Boston, MA 02108

21st Judicial Court of Missouri
Courts Building
7900 Carondelet
Clayton, MO 63105

Dallas County Court
600 Commerce Street
Dallas, TX 75202

Polk County Courthouse
Des Moines, IA 50309

Kentucky SPA
Route 8, Twilight Trail,
U.S. 127 South
Frankfort, KY 40601

Connecticut Judicial Department
Office of the Executive Secretary
Drawer N, Station A
Hartford, CT 06166

Ninth Judicial Circuit of Wisconsin
Circuit Chambers
Madison, WI 53702

Delaware County Court of Common Pleas
Front and South Streets
Media, PA 19063

Middlesex County Courts
1 John F. Kennedy Square
New Brunswick, NJ 08903

County Clerk's Office
County of New York
60 Centre Street
New York NY 10007

Juror Council of the Supreme Court
109 Supreme Court Building
New Orleans, LA 70112

Superior Court of Arizona in
Maricopa County
Department of Administration
101 West Jefferson
Phoenix, AZ 85003

Seventh Judicial Circuit
County Court House
Rapid City, SD 57701

Utah State Third District Court
240 East Fourth South
Salt Lake City, UT 84111

Supreme Court
Spokane County
West 1116 Broadway
Spokane, WA 99201

DuPage County Board of Supervisors
421 North County Farm Road
Wheaton, IL 60187

NATIONAL EVALUATION OF JURY UTILIZATION PROGRAM

An evaluation of the National Institute's Demonstration Program, based on extensive research and a compilation of data from a number of demonstration and comparison courts across time.

National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

* U. S. GOVERNMENT PRINTING OFFICE : 1978 260-992/2185

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