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**JURY PROCEDURES STUDY
FINAL REPORT**

Executive Summary

**SUPREME COURT
OFFICE OF THE STATE COURTS
ADMINISTRATOR
Judicial Planning Coordination Unit
State of Florida
June 1, 1979**

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FINAL REPORT**

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NCJRS

DEC 26 1979

ACQUISITIONS

**FLORIDA SUPREME COURT
OFFICE OF THE STATE COURTS ADMINISTRATOR
JUDICIAL PLANNING COORDINATION UNIT**

This public document was promulgated at an annual cost of \$720.00 or \$1.80 per copy to inform Florida court officials and interested citizens of the results of the Florida Jury Procedures Study.

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The OSCA extends a special thanks to the following persons:

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Introduction

"Most Jury Pool Members Face
Week of Treading the Waters of Boredom"

Clearwater Sun
May 20, 1979

Over the past decade there has been a growing concern with the manner in which jurors and jury systems are administered. Problems such as inefficient use of citizen time, the loss of public confidence and support of jury service and the expenditure of excessive amounts of public funds for jury systems have been identified.

Even though there are problems related to jury service, the right to have a jury trial is a fundamental aspect of our system of jurisprudence. In order for individuals to exercise this right it is necessary that citizens be available to serve as jurors and that courts develop and maintain administrative machinery to provide jurors for trial needs. It is these factors which have guided the development of modern jury systems.

A jury system can be considered to include all of the procedures involved in insuring that citizens are available to a court for jury service. A system includes the means of selecting potential jurors from a local population; summoning potential jurors to a court; using potential and sworn jurors in voir dire and trial activities; and compensating persons for their service.

The concern over the manner in which jurors and jury systems are administered has also arisen in the State of Florida. The State pays all jurors per diem and mileage costs at a rate of \$10.00 a day and 14 cents a mile. During fiscal year 1977-78, more than 100,000 citizens of Florida were called to the courts throughout the state, an expenditure of over 4.5 million dollars for juror and witness

fees. Both the Florida Supreme Court and Legislature have recognized that considerable cost savings might be realized and the impact of jury service on citizens may be improved by enhancing existing jury system management practices.

Other problems occur as a result of jury service. Many prospective jurors or their employers lost considerably more than the modest \$10 per day juror fee through their absence from customary employment. The cost of maintaining people at their full salaries during the time spent in jury duty is largely borne by employers and is included in their overhead costs. Moreover, many of those who came to court but were not seated as jurors resented the experience and thought it to be a waste of time.

As a result of these concerns, the Florida Legislature, in cooperation with the Supreme Court, allocated funds for a jury procedures study. This study was to be performed by the Florida Office of the State Court Administrator. The primary purpose of the study was to identify and resolve jury system problems through the institution and assessment of a number of jury system improvements. The focus of the study was to develop specifications for and to demonstrate procedural changes in jury administration practices which could be applicable to other Florida courts.

This report is a summary of the findings of the project. It contains information on the manner in which the selected jury systems functioned prior to and after the initiation of the project. The report is aimed at individuals who are familiar with the manner in which jury systems operate. It is anticipated that the report will motivate individuals to assess their jury system operation.

A Typical Florida Jury System

According to a descriptive survey undertaken by the Office of State Courts Administrator in 1977, a typical Florida jury system operates in basically the following manner:

1. Once each year, or as needed, a master list of persons who may be selected for jury service is randomly drawn from the voter's registration list. This master list is stored in some secure manner until a list of persons to report for service, or venire, is required.
2. In some courts, a qualified list is generated from the master list. This list is to determine if individuals meet the statutory requirements for jury service. If this step is used the resulting qualified list is secured and used to select venires.
3. Each time jury trials are set, a set or several sets of names (the venire), is randomly drawn from the master list (or qualified list, if used), to be summoned to appear in court.
4. Summonses are sent to those persons on the venire. The summons may be hand delivered by the sheriff, sent by certified mail with return receipts requested or by first class mail.
5. Potential jurors report to the courthouse for service. A court may require its jurors to report to a single courtroom or judge, to several courtrooms or judges, to a single jury pool for use by all courts or to two jury pools, for use by either circuit and county courts or for civil and criminal courts.
6. After reporting, potential jurors are screened to determine if they meet the statutory requirements for jury service. Those who do not meet the requirements or who are determined by the court to be incapable of jury service are excused.
7. The remaining persons are either placed in a jury pool or are sent as a panel to a courtroom, depending upon the type of system used in the court. Those persons placed in a jury pool await to be randomly selected for whatever juror requirements arise in the court.
8. In a pool system, the pool is notified to send a sufficient number of persons to the courtroom for voir dire, when it is determined that a panel of persons is needed.
9. Once in the courtroom, members of the panel are selected for examination by the judges and attorneys to determine if they are acceptable through the voir dire process. A person may be challenged from serving on the jury, either preemptorily or for cause. A jury of the prescribed size (six or twelve persons) is then selected. An alternate may also be selected. Those persons who are challenged or not used may be dismissed, sent to another courtroom, or in the case of a pool system, returned to the pool for future use.
10. At the end of a trial the jurors may be dismissed, sent to another courtroom, or returned to the pool.
11. Jurors will serve one week, unless the trial circumstances require their presence for a longer period of time.

Existing Jury System Characteristics

The basic jury system characteristics for each of the participant counties at the initiation of the data gathering are shown in Table 1.

TABLE 1
Jury System Characteristics
September 1978

	Alachua	Broward	Escambia	Hernando	Lake	Marion	Palm Beach
No. of Judges	10 circuit 4 county	49 circuit 13 county	9 circuit 5 county	1 circuit 1 county	2 circuit 2 county	3 circuit 2 county	19 circuit 8 county
Jury Pools	no	yes	yes	no	no	no	yes
No. of Courtrooms	11	27	6	2	5	3	13
No. of Jury Systems	1 system- circuit & county courts	1 pool for circuit & county courts	1 pool for circuit & county courts	2 systems- 1 circuit & 1 county	2 systems- 1 circuit & 1 county	2 systems- 1 circuit & 1 county	1 pool for circuit & county courts
Avg. Juror Days Paid/ Month Jan-Aug '78	671	3,033	848	94	172	370	1,875
Avg. No. Persons Summoned Jan-Aug '78	428	1,812	562	132	223	224	975
Computer Generated List	yes	yes	yes	yes	no	yes	no
Venires	no	yes	nc	yes	no	no	no
Summons	no	yes	no	no	no	no	yes
Payroll	yes	yes	no	yes	no	no	no
Qualification Questionnaires	yes	no	no	yes	yes	yes	no
Summons Sent By	1st class mail	1st class mail	1st class mail	1st class mail	1st class mail	Circuit: 1st class County: certified	Certified Mail

Conclusions And Implications Of The Research

As previously indicated, the primary purpose of the Jury Procedures Study was to identify and resolve jury system problems through the use of the selected test sites as experimental entities. The project was extremely successful in carrying out the purpose while meeting the objectives.

The four jury system objectives adopted by the Jury Procedures Study were:

- Maximize the responsiveness of jury systems to the court's need for jurors for voir dire and trials
- Maximize citizen participation and minimize inconvenience in jury service
- Minimize the economic burden on the individual
- Minimize the costs of jury systems

As a result of the Jury Procedures Study, it was determined that the test sites did, in fact, possess jury system operating characteristics which both inhibit and enhance the attainment of the four overall jury system objectives.

More importantly, the project determined that several of the inhibiting factors in those test sites could be effectively remedied through the implementation of simple administrative procedures. (reference Table 2)

Two consequences of the above determinations are that the test sites were able to reduce wasted juror time during jury service, and to reduce excessive amounts of public funds expended for jury duty.

The obvious conclusion to be reached from the experience in the pilot projects is that through the performance of similar data gathering efforts and analyses, many more Florida jury systems could enhance their operating efficiencies. If a large number of Florida jury systems were to undertake and perform the types of modifications implemented in the Jury Procedures Study, a significant amount of juror time and public funds could be saved.

The use of telephone call-in devices was a successful means which was identified for reducing wasted juror time and juror costs. During the conduct of the Jury Procedures Study, after the installation of the telephone call-in devices, those counties which had the devices on the average told 77 jurors not to report for jury duty per month through the telephone call-in process. In order to gain insights regarding the impacts of implementation of these improvement mechanisms on a statewide basis, let us assume that all 67 counties installed telephone call-in devices in their jury systems, and that each county on the average saved 77 juror days per month through the use of these telephone call-in devices. The results would be 5,159 juror days saved each month. That is to say that 5,159 persons would not be required to report for jury service. The dollar savings involved would be \$51,590. On a yearly basis, the savings to accrue to the citizens and the state would be 61,908 juror days saved with \$619,080 in juror per diem costs saved.

Another successful technique identified for improving juror utilization was the use of multiple voir dire. As described in the discussion of the findings, the Alachua court used this procedure to reduce the average number

of people brought into court from 36 per trial between September and November, 1978, to 20 per trial between December 1978 and April 1979. If the court had continued to use jurors in the last five months of the project, as they had in the first three months, then 992 unneeded persons would have been required to appear at the courthouse. By adopting the multiple voir dire procedure, those 992 individuals were spared what may have been a waste of their time. Correspondingly, \$9,920 was saved in juror per diem costs.

Research from other jurisdictions has shown that the multiple voir dire process is not easily adapted to large courts; therefore, the technique is not applicable on a statewide basis to all Florida courts. However, its adoption in smaller jurisdictions would produce significant savings in juror time and costs.

Benefits also accrued to the local jurisdictions as a result of the Jury Procedures Study. There was a savings in postage costs for that court which switched from the use of certified mail to the use of first class mail for the distribution of summons (\$1782.25 in one month alone). Paperwork was cut in half for those counties which adopted the one step summoning procedure. Jury system computerization eliminated many manual procedures performed by county jury personnel. Most importantly, juror attitudes and convenience improved through the utilization of information sheets included with the summons and the use of telephone call-in procedures.

The reader can see that through such simple procedural changes, there would be a significant positive impact upon jury system operating efficiency. This was proven in the Jury Procedures Study.

In spite of these successes, overall, the project sites were not able to address fundamental system problems such as overcall jurors to the courthouse, too large of panel sizes, case scheduling to permit more effective juror utilization, postponement policies and pool usage. This was largely due to the short timeframe of the study.

The Florida Supreme Court considers the study to have been extremely successful in identifying and testing various methods of improving jury system management. However, the Court feels that the study simply initiated actions in identifying further areas of concern in the jury field. The Court now faces the task of expanding the project so that all of Florida's trial courts benefit from jury system management improvement techniques. Specifically, the Court feels that the following activities must take place:

- The performance of research on jury-related state level obstacles and legislation to include:
 - a. The feasibility of the use of alternate or multiple juror source lists.
 - b. An analysis of the applicable Florida Statutes.
 - c. An analysis of the applicable Florida Rules of Court.
- The performance of regional workshops/training seminars on the principles and practices of good jury management and applications specific to Florida.
- The provision of technical assistance on juror utilization and management to Florida trial courts on an as requested basis.

TABLE 2

CHANGES IMPLEMENTED

CHANGES	IMPACT
<p>Alachua —Multiple voir dire —Redesigned excuse policy —Increased computerization to include a computerized summons —Telephone call-in device</p>	<p>Cost per jury trial reduced by nearly half Great convenience to public Better selection procedures wider cross section Recently implemented</p>
<p>Broward —Juror postponement procedures —Telephone call-in device —Orientation slide show</p>	<p>Allows many people to serve Saved \$4,040 in six months Provides necessary information</p>
<p>Escambia —Computerization of entire jury system</p>	<p>No gains shown as yet; requires period of adaptation</p>
<p>Hernando —Information sheet for jurors —Telephone call-in device —Reduction of jurors summoned —Redesigned excuse policy —Juror postponement procedures —Computerization of jury system</p>	<p>Convenience to public Saved \$4,060 in five months Saved one-sixth, but can do better Reduced workload of judges Better information for public More efficient selection—yield will improve</p>
<p>Lake —Information sheet for jurors —Telephone call-in device</p>	<p>Convenience to public Saved \$4,980 in five months</p>
<p>Marion —Telephone call-in device —Information sheet for jurors —Unified jury system —Redesigned excuse policy —Juror postponement procedures —Computerization of jury system —First class mail for summons distribution —One-step summoning</p>	<p>Saved \$2,530 in five months Convenience to public Reduced court personnel costs Reduced workload of judges Widened opportunity to serve Long-range improvement Yield will increase Eliminated paperwork—reduced clerical load</p>
<p>Palm Beach —First class mail for summons distribution —Telephone call-in device</p>	<p>Not yet implemented Saved \$880 in one month</p>

- The application of accepted jury management improvement techniques to particular problem areas in jury management to include case scheduling, pool usage, multiple voir dire, postponement policies, reduction in the number summoned, reduction in panel sizes, etc.

The Jury Procedures Study was the first step toward improving the administrative practices involved in Florida's jury systems. This first step will serve as the basis for continued investigation, analysis and improvement in jury administrative practices.

Discussion of Study

The Pilot Study

The jury procedures study was an exercise in applied research. Methods and procedures which were developed nationally were applied to selected Florida courts to assess and modify their jury system performance. The fundamental project methodology was to:

- Gather data on past and current jury system practices in selected Florida courts
- Analyze that data and identify successes and problem areas requiring attention
- Identify and implement means of reducing problems
- Monitor and analyze modified jury systems
- Distribute the results of the analysis to the remainder of the Florida courts

The project was jointly administered by the Office of the State Courts Administrator and jury management and administrative personnel in seven counties throughout the state. Assistance and input was provided by the staffs of the Senate Judiciary-Civil Committee and the House Judiciary Committee.

Participation in the project was on a voluntary basis. Invitations to participate were distributed by the Supreme Court to 16 counties. The counties represented the major variations in jury system organization, structure and caseload identified in a descriptive survey previously conducted by the Office of the State Courts Administrator. Seven counties ultimately participated in the effort:

Alachua County
 Broward County
 Escambia County
 Hernando County
 Lake County
 Marion County
 Palm Beach County

Staff for the project was hired at both the state and local levels. Funds were available to the largest counties participating to hire one person for one year's service to relieve the workload of senior jury management personnel so that they may be involved in the study. Direct assistance to the medium and smaller counties was provided by the Office of the State Courts Administrator through field liaison personnel. Consulting assistance was also obtained to help in the conduct of the study.

During the initial stages of project implementation, all state and local personnel underwent a two day training workshop conducted and coordinated by the Office of the State Courts Administrator. The workshop was directed

primarily at the theory and practice generally associated with jury management improvements. The range and type of innovations available were discussed, as were their requirements for implementation in the State of Florida and, specifically, in the counties.

As a result of discussions at initial meetings with the participants and at the workshop, each court formed a local study team composed of the chief judge, clerk of court, local court administrator, jury clerk and the project liaison person or fulltime staff member assigned to that court. It was determined that the study team would decide on the needs for that respective jurisdiction. They were also to be responsible for the actual coordination of the procurement of additional equipment, the modification of forms and the initiation of the new procedures as well as continuous monitoring of systems performance and participation in the overall evaluation effort with the assistance of the OSCA.

Data collection began in August 1978. OSCA liaison staff researched the files of the participant counties to obtain available juror and jury data for the period between January 1, 1978 and August, 1978. In September each county began recording events on the project data collection forms.

As the past and current jury system data was gathered by the liaison personnel, it was summarized and analyzed so that a profile of each system could be constructed. After approximately six weeks of current data had been gathered and analyzed, system successes and problems were identified, and in early November the preliminary reports identifying successes, problems and initial recommendations were distributed by the OSCA staff to each participating county (see Appendix B). These recommendations were discussed among members of the study team. Each county then selected those recommendations which it felt were feasible for implementation. During December the changes which were selected by the participants began to be instituted.

Data continued to be gathered through the end of April, 1979. Jury data for eight complete months was obtained. Information on the participant courts from January to April reflects the institution of a number of modifications to their jury system.

Methodology

As a result of jury research at the national level, methods and criteria have been developed to assess the attainment of the jury management objectives in each step of the jury system process. With these methods and criteria, jury personnel can evaluate and change their systems so that they approach a maximum degree of efficiency and effectiveness. The federal level research has produced specific quantitative indicators which measure the efficiency of the jury system and various steps within the system.

The effectiveness of the selection process may be measured and monitored by calculating the "yield" of jurors, based on the number who actually report for service versus the number who are actually summoned. In courts using separate qualifying and summoning steps, the yield is measured at both stages; the product of these two calculations gives the overall selection process yield for

the period. In a direct summoning operation, overall yield can be measured in one step.

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

Indicators designed to monitor the efficiency of juror usage, subsequent to reporting, include those which measure the average panel size, the average number of unneeded jurors, and the average amount of time spent by jurors on specified activities. By measuring the average panel size and the average number of unneeded jurors per panel, the court can develop an estimate of the number of jurors needed to strike a jury. By utilizing indicators which measure intervals associated with juror activity, a court can identify areas where juror and court time are being poorly utilized.

Indicators which reflect the efficiency of the overall jury management system include indices for juror utilization and computations of juror cost per trial. Two indices frequently relied upon are Juror Days Per Trial (JDPT) and People Brought In (PBI). Each of these indices attempts to determine a relationship between the number of jurors used in a court versus the number of trials that occur. JDPT is calculated by dividing the number of juror days served by the number of trials. PBI is figured by dividing the number of juror days served less juror days on continuing voir dres or trials by the number of trials. PBI, unlike JDPT, is not prejudiced by long trials. The average juror cost per trial is computed by multiplying the JDPT by the daily juror fee.

The data required to determine the above indicators as well as additional criteria was collected in the test sites from September, 1978 through April, 1979. All findings are based upon this data.

Summary of Findings

As a result of the study, it was observed that the participant jury systems had operating characteristics which were both successful in promoting the objectives of efficient jury management and which restricted the attainment of those objectives. Listed below are the results of the analyses which occurred and the system changes which were implemented in attempting to identify and remedy jury system administrative problems.

Juror Selection

- On the average, only 28% of the persons on jury service sampled had ever previously served on jury duty
- Persons 25 years old or younger were consistently under-represented on jury duty
- Persons 55 years or older were the most represented on jury service
- Males and females were equally represented on jury service

Qualification/Summoning

- One step summoning, without a pre-qualification

step, produced as many or more potential jurors than the two-step process

- The judicious use of postponements and excuses by a court improved the yield of potential jurors at the courthouse
- The use of first-class mail to distribute summons produced yields of jurors comparable to certified mail yields
- The use of first-class mail to distribute summons did produce a higher percent of no-shows on the reporting date
- The use of certified mail to distribute summons produced a high rate of unclaimed summons

Juror Service

Enrollment and Orientation

- The typical juror enrollment procedure was by calling the roll of jurors, as many as 200 names
- None of the study courts used any form of orientation besides a speech
- Potential jurors were not provided with a sufficient amount of information prior to or after reporting

System Type

- There were no notable differences in operating efficiencies between a jury pool system and a non-jury pool system in the study courts
- The jury pool systems in the project could increase their operating efficiency by intensifying and consolidating trial starts at the beginning of the week

Juror Usage

Call-In

- The test courts have developed accurate mechanisms for projecting jurors needed, within the context of their current operating procedures
- During the first three months of study, all courts called excessive numbers of persons to the courthouse for jury trial activity
- Through monitoring trial requirements, several courts were able to reduce the number of persons coming to the courthouse
- By using telephone call-in devices, Hernando, Broward, Lake and Marion counties were able to place significant numbers of jurors on stand by status and notify them not to report

Panel Size

- Panels of potential jurors, sent to the courtroom were excessively large in most of the project courts
- The use of multiple voir dire, or striking all juries for the week on the initial day of service was a very effective means of reducing jury panel or pool size

Time Factors

- Idle time which a panel spends in a courtroom, was greater in non-pool courts, than in pool courts
- Voir dire and trial lengths were similar in all courts

Overall Usage Efficiency

- Each test court reduced the average number of people brought into the courthouse per trial subsequent to institution of changes proposed in the study

Post Service Juror Attitudes and Information

- The majority of persons sampled in the study rated the following factors as "good":

- initial orientation
- treatment by court personnel
- physical safety
- parking facilities

and as “adequate” or “poor”:

- eating facilities
- scheduling of time
- Only 7% of the persons sampled in the study had unfavorable impressions of jury service
- On the average, only 18% of the persons sampled in the study lost income as a result of jury service, while 82% did not
- The overall average length of actual service on jury duty was 3 days

Jury System Costs

- Five of the study participants significantly reduced their juror per diem costs per trial
- The use of multiple voir dire was an effective means of reducing juror costs
- The use of telephone call-in devices to notify jurors not to report for service if unneeded, was an effective means of reducing juror costs
- The use of one-step summoning will reduce the jury system operating costs to the local jurisdiction
- The use of first class mail to distribute summons, as opposed to certified mail, will reduce the operating costs of jury systems to the local community

END