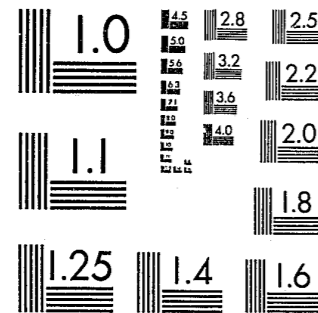


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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U. S. Department of Justice
National Institute of Justice
Office of Development, Testing and Dissemination



Research Utilization Program

Juror Usage and Management

Trainer's Handbook

a program of the National Institute of Justice

76692

About the National Institute of Justice

The National Institute of Justice is a research, development, and evaluation center within the U.S. Department of Justice. Established in 1979 by the Justice System Improvement Act, NIJ builds upon the foundation laid by the former National Institute of Law Enforcement and Criminal Justice, the first major Federal research program on crime and justice.

Carrying out the mandate assigned by the Congress, the National Institute of Justice:

- Sponsors research and development to improve and strengthen the criminal justice system and related civil justice aspects, with a balanced program of basic and applied research.
- Evaluates the effectiveness of federally-funded justice improvement programs and identifies programs that promise to be successful if continued or repeated.
- Tests and demonstrates new and improved approaches to strengthen the justice system, and recommends actions that can be taken by Federal, State, and local governments and private organizations and individuals to achieve this goal.
- Disseminates information from research, demonstrations, evaluations, and special programs to Federal, State and local governments; and serves as an international clearinghouse of justice information.
- Trains criminal justice practitioners in research and evaluation findings, and assists the research community through fellowships and special seminars.

Authority for administering the Institute and awarding grants, contracts, and cooperative agreements is vested in the NIJ Director, assisted by a 21-member Advisory Board. The Board recommends policies and priorities and advises on peer review procedures.

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- Correlates of crime and determinants of criminal behavior
- Violent crime and the violent offender
- Community crime prevention
- Career criminals and habitual offenders
- Utilization and deployment of police resources
- Pretrial process: consistency, fairness, and delay reduction
- Sentencing
- Rehabilitation
- Deterrence
- Performance standards and measures for criminal justice

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Harry M. Bratt
Acting Director

U.S. Department of Justice
National Institute of Justice

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JUROR USAGE AND MANAGEMENT

TRAINER'S HANDBOOK

Prepared by:

Maureen Solomon

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INTRODUCTION TO THE HANDBOOK

This Trainer's Handbook is designed for use by trainers presenting the Workshops on Juror Usage and Management, an activity of the Executive Training Program in Advanced Criminal Justice Practices (ETP). The Handbook contains a schedule of training events and presentation notes to be used in conjunction with materials found in the Participant's Handbook.

The purpose of these Handbooks are to guide representatives from the courts through the Workshop and provide them with the materials they will need in order to participate profitably in all the sessions.

A. General Workshop Learning Goals

1. Program understanding
 - Increased understanding of the study phase of the program--its goals, areas to be studied, data sources, and resources and tools for the study phase (including Guides).
 - Increased understanding of the implementation phase of the program--its goals, possible outcomes, and possible impediments.
2. Baseline understanding of juror usage and management procedures
 - Increased understanding of the qualification/summoning process (selection), problems, and solutions.
 - Increased understanding of source-list problems--especially their impact on balance, inclusiveness, and defensibility of juries.
 - Increased understanding of enrollment, orientation processes, problems, and improvements.
 - Increased understanding of the service phase, problems, and solutions.
 - Knowledge of actions and strategies to improve juror usage and management, and their efficiency and effectiveness:
 - Statutes affecting juror usage and management
 - Court systems and juror usage and management
 - Court decisionmaking processes and juror usage and management
 - Factors impeding or supporting change in jury system operations and planning.

3. Understanding of the relationships between the courts participating in the Workshop

- Increased understanding of other courts:
 - People, roles, and responsibilities
 - Related roles and responsibilities across courts
 - Program plans and organization of other courts; similarities; differences
 - Structure/decisionmaking processes of other courts.
- Knowledge of means of intercommunication, cross-fertilization, and impact on other courts.

B. Terminal Objectives

The ETP Juror Usage and Management team intends to impart to the Workshop participants--along with the information outlined in the statement of general goals--an initial skill in using the selection and service phase technology contained in the Guide to Juror Usage and the Guide to Jury System Management.

After thorough treatment of this technology in the Workshop, participants will be asked to apply it. Application of the technology will constitute the terminal performance objective toward which other performance objectives in the Workshop will lead.

The level of performance desired is as follows:

1. Participants will be given data on the number of people responding to a summons to serve as jurors in a small court. Working in groups or as individuals; they will compute the average yields for criminal and civil panels in that court and plot the data on data control chart forms, indicating control limits and describing trends, if any. They will then determine whether any action is necessary, what kind of action, and whose responsibility it is to act.
2. Participants will be given data on daily jury pool status and transactions and daily peaks of juror usage for a one-month period (three-week term), as well as background data on the size of the court in question, its practices, juror fee, etc. Working in groups, they will analyze the data and report on:
 - The optimum panel size for voir dire desirable in that court for civil and criminal cases.
 - The probable frequency of a judge's having to request more jurors to complete voir dire, given that optimal panel size.
 - The overall pool adjustment possible, given the maximum number of jurors in simultaneous use daily.
 - The possible daily differences in jury pool size that may be feasible, given the data.
 - Potential savings in juror fees, if recommended adjustments are made.

Responses should reflect the findings contained in solution exhibits prepared for this case.

An additional terminal performance objective is related to back-home planning. After the three days' effort, participants will be asked to write objectives and a schedule of action and personnel assignments pertaining to the study and implementation of one area for back-home use.

WORKSHOP SCHEDULE

DAY I:

10:00 - 11:00 a.m.	Registration
11:00 - 11:45 a.m.	Session 1: Workshop Orientation and Introductions
11:45 - 12:30 p.m.	Session 2: Overview of the Jury System as a Process
12:30 - 1:45 p.m.	Session 3: Identification of Jury System Problems and Successes in Workshop Participants' Courts (Working Lunch)
1:45 - 2:30 p.m.	Session 4: Reports on Jury System Problems and Successes: Workshop Participants' Expectations of Training
2:30 - 3:15 p.m.	Session 5: The Juror Usage Phase--Data and Technology
3:30 - 4:30 p.m.	Session 6: Application of Juror Usage Phase Technology
4:30 - 5:30 p.m.	Session 7: Report Back on Case Study and Extension of Juror Usage Technology

DAY II:

9:00 - 9:45 a.m.	Session 8: The Juror Selection Phase--Data and Technology
10:00 - 11:00 a.m.	Session 9: Application of Juror Selection Phase Technology
11:00 - 12:00 noon	Session 10: Report Back on Case Study and Extension of Juror Selection Technology
1:30 - 2:15 p.m.	Session 11: Measurement and Improvement of Juror Attitudes
2:15 - 3:00 p.m.	Session 12: Application of Juror Attitude Information
3:15 - 4:00 p.m.	Session 13: Report Back on Case Study and Information for Jurors

DAY II (cont.)

4:00 - 5:00 p.m.

Session 14: Specialty Sessions
A. Multiple Lists
B. Evaluation and Planning
C. Orientation Films
D. Small Courts and Juror Usage

DAY III:

9:00 - 9:45 a.m.

Session 15: Managing Change in the Jury System--Impediments to Change

10:00 - 10:20 a.m.

Session 16: Application of Managing Change in Jury Systems

10:20 - 11:00 a.m.

Session 17: Report Back on Case Study and Rx for Change

11:00 - 12:00 noon

Session 18: Identifying Areas of Possible Improvement in Each Court's Juror Usage and Management System and Developing a Course of Action for Change

1:00 - 2:30 p.m.

Session 19: Consultative Analysis of Court Improvements Suggested by Participants

2:30 - 3:00 p.m.

Session 20: Graduation

THE EXECUTIVE TRAINING PROGRAM IN ADVANCED CRIMINAL JUSTICE PRACTICES

A. Introduction

The Executive Training Program in Advanced Criminal Justice Practices is sponsored by the National Institute of Law Enforcement and Criminal Justice (NILECJ), the research center of the Justice Department's Law Enforcement Assistance Administration (LEAA). The program offers state and local jurisdictions the opportunity to learn about improved criminal justice procedures and to put them into operation.

The Executive Training Program is designed, conducted, and managed by University Research Corporation (URC), a national training organization based in Washington, D.C.

URC curriculum designers, trainers, and logistics staff are working with the National Institute, selected criminal justice experts, and local projects that have successfully carried out advanced practices. Some portions of the training are conducted under URC's supervision by consulting firms experienced in criminal justice training--including the Center for Community Justice and Bird Engineering-Research Associates.

B. Goals

The primary goal of the Executive Training Program is to enable criminal justice executives and policy-shapers to bring about adoption of improved court, corrections, and police practices identified or developed by the National Institute. As LEAA's research, evaluation, and technology transfer arm, the Institute works to devise improved methods to control crime and strengthen the criminal justice system and to train law enforcement and criminal justice personnel to use these promising approaches.

To introduce the new practices throughout the nation, the Institute's Executive Training Program:

- Informs influential policymakers about new practices and their potential for improving the criminal justice system, and
- Gives them the knowledge and skills needed to apply these methods in their jurisdictions.

C. Program Activities

Four types of activities are being carried out during the two-year program to facilitate the transfer of advanced practices to local jurisdictions.

1. Regional Workshops. Up to eight Workshops will be held in each Federal Region. Each Workshop will run for about three days. It will be devoted to one topic and will be open to 60 top law enforcement criminal justice policymakers

from throughout the Region. At the eight Workshops in each Region, participants will learn new techniques related to:

- Managing Criminal Investigations
- Juror Usage and Management
- Prison Grievance Mechanisms
- Rape and Its Victims.

Additional training topics have been selected from among the most promising models developed under NILECJ auspices. These include models derived from:

- Exemplary Projects--Projects that show documented success in controlling specific crimes or that have produced measurable improvement in criminal justice service.
- Prescriptive Packages--Synthesis of the most advanced techniques, including operational guidelines, that can be followed in locales throughout the country.
- Research Results--Improved criminal justice practices derived from research findings.

2. Field Test Seminars. The training topics selected for the year 1977 are:

Managing Patrol Operations
Developing Sentencing Guidelines
Victim/Witness Services
Health Care in Correctional Institutions.

Each year, two Workshop topics will be selected for field testing in up to ten jurisdictions. During 1976, "field test" sites will be selected to implement projects in Managing Criminal Investigations and Juror Usage and Management.

The field tests will focus national attention on the new procedures and evaluate their effectiveness and transferability to other jurisdictions throughout the country. The communities selected will be those considered most likely to be able to carry out model projects. The Field Test Seminars are designed to:

- Prepare the test site staff to operate or implement their projects,
- Identify needs for follow-on training, and
- Determine the most effective format for Regional Workshops.

3. Special Conferences. National conferences are being held for criminal justice policymakers on significant topics selected by the National Institute. The first conference, held in October 1976, focused on the Argersinger v. Hamlin case.

Recommendations for problem-solving will be provided by criminal justice experts and others who have already dealt with these problems or whose theoretical and analytical contributions can be helpful in the implementation effort.

The special conference topics selected for the year 1977 are:

Criminal Justice at the Crossroads
"Update '77"
Determinate Sentencing.

D. About URC

For more than a decade, URC has managed federally-sponsored national training programs to encourage local development and implementation of human service delivery techniques that have been developed nationally or in outstanding local programs.

URC training programs are process-oriented, designed by nationally recognized experts who have already used new approaches to service. University Research Corporation has provided national training programs for LEAA as well as other Federal agencies, including the U.S. Departments of Health, Education, and Welfare; Housing and Urban Development; and Labor. All of these efforts have resulted in application of new concepts at the local and regional levels.

ABOUT THE AUTHORS

Burke E. Dorworth, M.Div.

Mr. Dorworth has worked as a community organizer and consultant to community development groups for the past 15 years. Author and coordinator of a Development Guide designed to help community-based groups use local, state, and federal agencies to solve community needs, he has a particular interest in developing strategies required to implement desired programs. A trainer in the field of human relations, Mr. Dorworth brings a range of community involvements to the study and resolution of organizational issues.

G. Thomas Munsterman, M.S.E.

Mr. Munsterman is director of jury systems projects at Bird Engineering-Research Associates, Inc. These projects currently include the development of the methodology for combining lists for use in the selection of jurors' names, the development of a computerized jury system for the Federal District Courts under a contract from the Federal Judicial Center, and assistance to about 20 state courts in the implementation of the Guides previously written for LEAA. He is the author, with Dr. William Pabst, of the recently published Guide to Jury System Management. Under an LEAA grant, he provided assistance and liaison with the many cooperating courts and is joint author of A Guide to Juror Usage. He has also written several papers on the subject of jury systems and has spoken to groups of judges and court administrators on juror usage and juror system management. He has addressed the four regional meetings of the National Conference of State Trial Judges during the past year, and has served on the faculties of the Institute for Court Management, for an advanced seminar on jury management, and of the National College for the State Judiciary, for a graduate court of jury trials. He directed a study, under a contract from the State of Delaware, to provide a plan and procedures for improving the jury system in Delaware. He has assisted in the selection of demonstration courts for the Demonstration Project for the Office of Technology Transfer of LEAA, which is based on the two previously cited studies.

He was the senior analyst in a study of alternatives to medical malpractice litigation sponsored by the Secretary's Commission on Medical Malpractice, Department of Health, Education, and Welfare.

At the Johns Hopkins University, Applied Physics Laboratory, he participated in a multidisciplinary team studying medical applications of sophisticated telemetry devices. His prior experience at the General Telephone Laboratories involved switching systems, technical writing, quality control, and equipment engineering.

William R. Pabst, Jr., Ph.D.

Dr. Pabst has been engaged in jury system studies for the past five years. He has worked with the Committee on the Operation of the Jury System of the Federal Judicial Conference; he was a member of a national ABA panel on jurors utilization; and he has written many papers on the judicial system, including several authoritative papers on 6-man and 12-man juries. As senior consultant, he has participated in the Bird Engineering-Research Associates studies of jury systems in many state and federal courts. He is co-author of A Guide to Jury System Management and A Guide to Juror Usage.

On June 9, 1976, in Toronto, Canada, Dr. Pabst received The Shewhart Medal of the American Society for Quality Control, now one of the largest professional engineering societies in this country. The Shewhart Medal, the major award of the Society, is bestowed annually in recognition of continuous outstanding leadership in the field of statistical quality control. This year the Society published the book Standards and Specifications, which was edited by Dr. Pabst.

As Chief Statistician of the Naval Ordnance Systems Command for two decades, he pioneered the development of quality control and statistical methodologies. He helped establish the quality control laboratories, the computerized data collection agencies, and the basic approaches to quality control practice used widely in this country and abroad. He was one of the authors of the widely used tables and procedures of inspection by attributes, MIL-STD-105D.

On special assignment, he has developed programs for other governmental agencies, including a quality control program for the United States Patent Office. In the United States Technical Assistance program, he served as advisor to the Government of India on statistical quality control. Under other auspices, he has served in Japan, Ecuador, and Honduras.

For a number of years, Dr. Pabst was editor of the Standards and Specifications section of the Journal of Quality Technology. He is a Fellow of the American Statistical Association and of the American Society for Quality Control, and is a member of numerous other professional organizations.

Maureen M. Solomon, M.A.

Ms. Solomon has served as a court management consultant to several clients in recent years and has completed such projects as: development of standards for Caseflow Management and Management of the Jury System for the American Bar Association Commission on Standards of Judicial Administration; development of a centralized Jury Management System for the Criminal District Court of New Orleans; design of an Automated Juror Selection System for Hennepin County (Minneapolis), Minnesota; study of Civil Calendar Management and Jury Management in the Birmingham, Alabama, Circuit Court; and development of improved Caseflow Management for the Courts of Connecticut.

As a lecturer and workshop leader in court management, she has participated in programs for the Institute for Court Management, the National College of the State Judiciary, Yale University Law School, the American Bar Association, the

National Center for State Courts, University of Denver Law School, and various judicial conferences and court administrative organizations.

Publications to her credit in this field include: Caseflow Management in the Trial Court, Management of the Jury System, Guidelines for Development of Computer Training Curricula for Court Personnel, "Is This Record Necessary?" and "Conducting the Court Study."

GOALS OF THE WORKSHOP

The Juror Usage and Management Workshop will bring together representatives of courts who are responsible for policymaking in jury system management and will offer them:

- An understanding of the jury system and its components as "systems "
- An understanding of the problems of inefficiency in juror selection and usage
- An understanding of and practice in carrying out procedures that can improve the efficiency of juror selection and usage and provide balanced, inclusive, defensible pools; informed, motivated jurors; and cost-efficient service
- An understanding of, and practice in, designing and implementing changes in current jury system procedures, planning, and management, with sensitivity to the systemic context of such changes.

By the end of the Workshop, participants--using simple case studies--will actually apply some of the quality control procedures presented.

SESSION 1

WORKSHOP ORIENTATION AND INTRODUCTIONS

11:00 - 11:45 a.m.

DAY I

TRAINING GOALS

1. Review of Workshop curriculum and presentation of an overview of the relationship between the Participant's Handbook, A Guide to Juror Usage, A Guide to Jury System Management, and the overall Workshop design.
2. Introduction of the training staff and Workshop participants.
3. Presentation of the mandate and structure of the National Institute of Law Enforcement and Criminal Justice (NILECJ) and its relation to the Executive Training Program Workshop series.

PERFORMANCE OBJECTIVES

1. Each participant will be able to give the names of the persons to his/her right and left as part of getting acquainted.
2. Each participant will be able to state the names of the trainers.
3. Each participant will be able to outline the four major subjects of the Workshop.

METHOD

Lecture with visual aids

DESCRIPTION

Plenary Session

1. The lead trainer welcomes the participants and formally opens the Workshop.

2. Goals and objectives of the Workshop are outlined.
3. Participants are introduced to the Guide to Juror Usage and A Guide to Jury System Management.
4. The format and session arrangement of the Workshop workbook, or Participant's Handbook, is explained.
5. Trainer requests participants to introduce themselves to neighbors and allows time for brief conversations.
6. Training staff introduced.
7. Trainer provides link to session on overview of the jury system as a process.

MATERIALS/LOGISTICS/AMBIENCE

1. A room large enough to accommodate all the participants.
2. Four conference-style, group arrangements to accommodate a quarter of the participants in each.
3. Rear table for training staff use.
4. Work table in front.
5. Overhead projector and table.
6. Podium with microphone.
7. Flip chart with marker.
8. Small group lists posted.
9. Workshop schedule posted.

PRESENTATION OUTLINE FOR SESSION 1

PURPOSE OF THE WORKSHOP ON JUROR USAGE AND MANAGEMENT

This Workshop has been developed for judges, court administrators, and others responsible for jury systems who see the need to examine present operations in light of recent developments in many courts. The Workshop begins with an overview of the jury system as a process. It then develops the technical background for possible changes, working through the source lists and selection methods, the summoning and swearing in of jurors, the patterns of use designed to reduce waiting and other juror complaints, and the final exit questionnaire designed to provide feedback for the courts from the citizens who serve them.

The Workshop is a high-level, technical presentation of all the operations involved in selecting and using jurors. It is a Workshop in the true sense of requiring working participation by those present in the solution of test problems. It intends to provide an understanding of these jury operations for management personnel of the courts, as well as detailed explanations of practices and procedures that the staff might use in creating an efficiently running system and in determining the quality of present operations.

A. Jury System Management

A Guide to Jury System Management is used as the textual background for considering the jury system as an entity and as a support system to the court. It describes four objectives of good jury management:

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

These objectives can be achieved by monitoring the jury system at three points: in qualifying and summoning, in jury pool and courtroom usage, and at the termination of service. Technical features of this monitoring process will be carefully examined to provide a rationale for court management. All aspects of the system, including the use of multiple source lists, the selection and randomization details, the information flow to jurors, the forms and techniques of computer use, the measurement of juror attitudes, and their use for corrective action, will be considered.

B. Jury Usage

A Guide to Juror Usage provides the textual background for considering the problem of the supply of prospective jurors needed against the uncertain demand. Seven rules of good juror usage are presented and discussed in the light of court

activities. The purpose of these rules is to reduce juror waiting time as much as practicable, to supply the courts with the number of jurors needed, and to save money for the courts by reducing the amount of jury fees paid. Since jury systems differ markedly among the many courts studied, no single system is held up as ideal for all courts. Rather, the tools of good jury system management are developed and exposed to view in such a way that those attending can observe their own systems against these standards.

The Workshop provides a list of changes that might be made in jury systems and shows how the possible beneficial effects of these changes can be measured. The Workshop then provides the detailed means of achieving changes, should they be considered desirable.

The Workshop also provides participants with a unique opportunity to discuss jury systems other than their own. Judges and court executives have recognized that some of the complaints of irate jurors have some validity and that a tendency among the citizens to evade jury duty is related to an unfavorable public image of jury service. They recognized the disease, but had no cure at hand. The extensive research that forms the technical support for this Workshop goes a long way toward supplying the cure, showing where, when, and how that cure might be applied by each of the courts and demonstrating the results in improved juror attitudes and cost savings that can be expected.

Note: Included in each session of the Participant's Handbook are reproductions of the visual aids used in training. Those who use this Handbook to present their own training may wish to reproduce these untitled visual aids and use them to enhance the training.

SESSION 2

OVERVIEW OF THE JURY SYSTEM AS A PROCESS

11:45 a.m. - 12:30 p.m.

Day I

TRAINING GOALS

1. Understanding of the dimensions of this country's jury system, including the numbers of people called, the amount of time spent, and costs to the court and to the community.
2. Portrayal of the jury system of an individual court, showing a) the process of selecting jurors from a cross-section of the population and enrolling them in the work of the court, and b) the roles of court personnel in the jury system.
3. Knowledge of the variations in jury system processes among different courts, illustrating why and how some of the practices are superior to others.
4. Perceptions of the trends in the changes that jury system operations are undergoing in many court systems--fees paid, terms of service, enrollment practices, pooling of jurors, jury selection, and voir dire practices.
5. Awareness of the many goals of a satisfactory jury system, including provisions of assistance to jurors in the courts when needed, efficient use of jurors' services, minimum sacrifice on the part of individuals called, and maximum participation of the community.

PERFORMANCE OBJECTIVES

None for this session

METHODS

Lecture with visual aids
Discussion

DESCRIPTION

1. Participants remain in plenary session.
2. Lead trainer reviews the jury system describing the master list, qualifying and summoning processes.
3. A corollary to the juror selection phase follows with an outline of the juror usage component.
4. Participants are referred to A Guide to Juror Usage, chapter 2, pages 1-3, and to A Guide to Jury System Management, chapter 1, pages 3-5.
5. Visuals of the master list and jury pool can be used to provide an overview of the system.
6. Questions and discussion should be encouraged to assist participants in comparing this overview to their systems.
7. Make a link to participants reviewing their own systems and the next session.

MATERIALS/LOGISTICS/AMBIENCE

1. Plenary session room--the same as in the first session.
2. Graphics, overhead projector, screen.
3. Flip chart and marker.

SESSION 3

IDENTIFICATION OF JURY SYSTEM PROBLEMS AND SUCSESSES IN WORKSHOP PARTICIPANTS' COURTS

12:30 - 1:45 p.m. (Working Lunch)

Day I

TRAINING GOALS

1. Discussion of problems in participants' respective jury systems in small groups representing cross-sections of the Region.
2. Development of a list of Workshop expectations that would address the jury system problems identified.
3. Highlighting of successes that participants recognize as "breakthroughs" in jury system management and as worthy of transfer to other court systems.
4. Acquaintance with people from different courts to share frustrations, hopes, and plans for evolving jury systems.

PERFORMANCE OBJECTIVES

1. Participants will list three problems in their court systems which they consider to be priority areas for correction.
2. Each participant will list two successes of their court systems which highlight more efficient jury system management.
3. The working groups will list at least five expectations they have of the Workshop in terms of their home court's juror usage and management needs.

METHODS

1. Participants will be divided into representative groups and asked to have lunch in their assigned groups.

2. One person in each group will be designated to serve as a recorder during the working lunch and will also report back to the plenary session on: a) jury system problems identified; b) workshop expectations that would address these problems; and c) successes or "break-throughs" in jury systems represented in the group.

DESCRIPTION

1. Participants go to separate 'breakout' rooms as assigned.
2. During the lunch period, participants will be given the opportunity to become acquainted with others in their group.
3. A trainer assigned to each group will facilitate the selection of a recorder.
4. The recorder will list on a flip chart jury system problems and successes and Workshop expectations of the group.
5. Each recorder will be responsible for reviewing the list in the plenary session after lunch.

MATERIALS/LOGISTICS/AMBIENCE

1. Rooms large enough to accommodate each breakout group in conference style.
2. Luncheon served to each group.
3. Flip chart and marker in each breakout room.

SESSION 4

REPORTS ON JURY SYSTEM PROBLEMS AND SUCCESSES AND WORKSHOP PARTICIPANTS' EXPECTATIONS OF TRAINING

1:45 - 2:30 p.m.

Day I

TRAINING GOALS

1. Knowledge of the characteristics of the jury systems of courts represented by participants in the Workshop, with particular emphasis on problems encountered, improvements undertaken, and successes experienced.
2. Understanding of the common expectations of the group.

PERFORMANCE OBJECTIVES

None for this session.

During this session, reporters will present the summaries of the small group discussions held during the previous session. Participants will be encouraged to respond to the reports.

METHODS

1. Each recorder reports for the small group.
2. The session trainer will analyze and respond to the reports.
3. Trainer will facilitate responses from the participants to the reports.

DESCRIPTION

1. Participants assemble in plenary session.
2. Lead trainer recapitulates the purpose of the small group discussions.

3. Each small group recorder is asked to give a five-minute report on his or her group's discussion and indicate:
 - a. Priority problems in the court systems represented;
 - b. Jury system management successes shared; and
 - c. Workshop expectations of the group.
4. Lead trainer will encourage discussion regarding the issues raised.
5. Trainer will indicate how expectations of participants will be met (or not met) in the Workshop.

MATERIALS/LOGISTICS/AMBIENCE

1. Plenary session room with seating arranged in small groups in conference style.
2. Flip chart and markers.
3. Masking tape for posting the flip chart sheets made by each small group.

SESSION 5

THE JUROR USAGE PHASE--DATA AND TECHNOLOGY

2:30 - 3:15 p.m.

Day I

TRAINING GOALS

1. Better understanding of the impact of current service phase performance on jurors' and citizens' attitudes toward jury service.
2. Motivation of participants to improve the service phase in their systems as a result of becoming familiar with the excessive cost of poor usage of jurors.
3. Knowledge and understanding of the seven rules for good usage of jurors.
4. Knowledge of the kinds of data needed to improve and monitor usage of jurors, such as the number in use either in voir dire or trial and the number in service (available) at various times of the day and week.
5. Knowledge about ways of collecting and reporting such data (such as using the "Julie" Chart illustrated on page 35 of the Participant's Handbook).
6. Understanding of the case study on juror usage that they will work on in assigned groups and increase their awareness of technology available for more efficient use of jurors.

PERFORMANCE OBJECTIVES

None for this session

METHODS

Lecture with visual aids
Discussion

DESCRIPTION

1. Participants assemble in plenary session.
2. Lead trainer conducts presentation following the points on the presentation outline that follows and uses the graphics specified.
3. Discussion is encouraged throughout the session.
4. Linkage is made to the case-study exercise, which builds on the information provided during this session.

MATERIALS/LOGISTICS/AMBIENCE

1. Large room in which 70 people can be seated comfortably.
2. Table or lectern for the trainer.
3. Graphics, overhead projector, and screen.
4. Flip chart, markers, and tape.

PRESENTATION OUTLINE FOR SESSION 5

The Seven Rules for Juror Usage (See visuals in the Participant's Handbook, pages 32-49.)

- a. Describe the jury system service phase.
- b. Describe the jury system flow process through the service phase.
- c. Use visual (Julie chart) to illustrate usage by day and time of day, and discuss the unevenness of usage.
- d. State the seven rules for good juror usage, illustrating them with visuals. Describe each rule and provide examples of implementation, problems encountered in implementation, and results of proper implementation.

Data and Technology

- a. Describe the various types of data that are required to manage the service phase well. Data on jurors used, jurors available, jurors not used, etc., are needed to determine the efficiency of the system. (Show visuals to outline the types of data needed and ways of collecting them. Analysis is described and conducted on figures shown in the visuals.)
- b. Make reference to the Guide to Jury System Management and the Guide to Juror Usage, and give advice on how to use them.
- c. Describe how to use a Juror Usage Index and Juror Days per Trial as measures and discuss their utility for evaluating juror usage.

SESSION 6

APPLICATION OF JUROR USAGE PHASE TECHNOLOGY

3:30 - 4:30 p.m.

Day I

TRAINING GOALS

Same as Session 5 goals.

PERFORMANCE OBJECTIVES

By the end of this session--given data on daily jury pool status and transactions, daily peaks of juror usage for a one-month period (three-week term), and background data on the size of the court in question, its practices, juror fee, etc.,--participants, working in small groups, will analyze the data and report on:

1. The optimum panel size desirable for voir dire in that court for civil and criminal cases;
2. The probable frequency of a judge's need to ask for more jurors to complete voir dire, given the optimum panel size;
3. Overall pool adjustments possible, given the maximum number of jurors in simultaneous use daily;
4. Possible daily differences in jury pool size that may be feasible, given the data; and
5. Potential savings in juror fees, if recommended adjustments are made.

Responses must reflect the findings contained in the solution exhibits accompanying this lesson plan.

METHODS

Case-study exercise in small groups
Discussion

DESCRIPTION

1. Gather participants into groups of 12, with one trainer assigned to each group.
2. State the goals and objectives and make linkage back to session 1 since this exercise is designed to inculcate the materials taught in session 1.
3. Give participants the problem statement and task, along with the data they need to complete the task. Ask them to work as a group and produce a report.
4. Trainer may remain and facilitate or depart and return at an agreed upon time for the group's report.
5. Each small group reports on its task to the trainer, who analyzes, comments, corrects and reinforces the points made in session 1 about the utility of gathering such data in the manner prescribed. The trainer distributes the solution exhibits and assists in matching them to the group's findings. Discussion continues.
6. Finally, the trainer summarizes the purpose of the session and the day's proceedings and points out the relevance to participant's projects in their home courts.

MATERIALS/LOGISTICS/AMBIENCE

1. Room or space for work in groups of 12, with table space and seating for each group.
2. "Problem" and necessary data (one set per participant).
3. One calculator per group.
4. One flip chart, markers, and tape for each group.
5. Solution exhibits (answer key)--one set per person.

CASE STUDY

APPLICATION OF JUROR USAGE PHASE TECHNOLOGY

Background Information:

You are the court administrator of a 16-judge court. There are 10 judges available to handle civil and criminal jury cases.

Jury trials are conducted during 48 weeks of the year. Trials are scheduled to begin Monday through Thursday.

Cases are called each Monday morning in the Master Assignment courtroom. The first ready cases are sent to available judges. The remaining ready cases are listed on a blackboard and attorneys and parties are released subject to 20-minute notice when a judge is ready for their cases.

Available jurors wait in the juror waiting room to be sent to voir dire.

Jurors serve for one week or one trial, whichever is longer.

Jurors are paid \$10.00 per day.

All juries contain 12 persons (no alternates).

Judges call for a panel just before trial is ready to commence.

Each side is allowed three peremptory challenges in civil cases and five peremptory challenges in criminal cases. Multiple parties on a side must share the challenges.

Challenged jurors do not return immediately to the waiting room; they must wait in the courtroom until the jury of 12 is chosen. Then all challenged and unused jurors return to the juror waiting room together.

Your Tasks:

The jury clerk has provided you with the attached data for a three-week period. The data are representative of data for the full year. In general, you are to analyze the data to determine whether improvements in juror usage are called for and whether cost savings are possible. In particular, you are to focus on the following and report:

1. What is the minimum number of people necessary if all demands for jurors are to be met?
2. If a few waits could be tolerated (say 2 waits out of the 54 panels requested), what further reduction could be made? Estimate the waits.

3. Develop a recommendation for civil and criminal panel sizes based on the data and the allowed peremptory challenges.
4. What further adjustments in the number of people in service would be possible if these recommendations were followed?
5. Would you recommend an early release policy (a.m. versus p.m.) or a different number reporting each day?
6. Estimate the potential savings or costs of your recommendations under tasks 1, 2, 4, and 5.

Note: Data and answer key were provided by the Institute for Court Management (ICM), Denver, Colorado, as used in its course on advanced Jury System Techniques.

Answer key: Case study for Juror Usage Phase Technology

1. Pool size could be reduced to the maximum daily peak of 157.
2. If on September 24, Judge Gibson or Welby waited for five minutes, only 124 jurors would have been needed. Later that day if Judge Davis had waited 15 minutes, only 135 jurors would have been needed. Thus, a further reduction of jurors could be made with waits of five to 15 minutes.
3. a. Optimum panel size for civil trials is 22, since 100 percent of cases required 22 or fewer jurors to find a jury.
b. Optimum panel size for criminal trials is 28, since 95 percent of cases required 28 or less to find a jury. Experience may find that even fewer are needed in the future since one trial needed 32 and one needed 28; one needed 26 and all the others required 24 jurors or fewer.
4. Maximum daily peak would be reduced to 126 if panel sizes were fixed at maximum observed above.
5. a. "Early release" is not recommended because the time of trial starts is spread out through the day, except on Thursdays.
b. Pool size on Thursday might be reduced to 82.
6. Reduction to pool of 157 would cut costs by 22 percent; reduction to 126 would cut costs by 37 percent; reduction to 126, except for 82 on Thursday, would cut costs by 43 percent.

SESSION 7

REPORT BACK ON CASE STUDY AND
EXTENSION OF JUROR USAGE TECHNOLOGY

4:30 - 5:30 p.m.

Day I

TRAINING GOALS

1. Understanding of the analysis procedures involved in this technology for determining optimum juror usage.
2. Introduction of the parameters of juror usage, the Juror Usage Index (JUI), Juror Days per Trial (JDPT), and People Brought In (PBI).
3. Introduction of forms that courts might use for analysis.

PERFORMANCE OBJECTIVES

The participants will know the correct answers to the case developed in session 6.

METHODS

Reports on and discussion of the problem in session 6
Lecture with visual aids

DESCRIPTION

1. Participants assemble in plenary session.
2. Lead trainer elicits reports on the problem worked in session 6 from each of the groups.
3. Lead trainer responds to each report and discusses the findings in respect to the correct answers which are handed to the participants.

4. Lead trainer presents additional juror usage technologies using visuals prescribed for this session (pages 70-86 in the Participant's Handbook).

MATERIALS/LOGISTICS/AMBIENCE

1. Large room for plenary session.
2. Table and lectern for lead trainer.
3. Overhead projector, graphics, and screen.
4. Flip chart, markers, and tape.
5. Answer keys for session 6 problem.

PRESENTATION OUTLINE FOR SESSION 7

1. Report on Case Study

One group is selected and the reporter for that group gives the solutions found or the trainer can give the solutions.

The important points of the solution:

- a. In selecting the minimum number of people necessary, the participants should realize that the data sheets can be read easily and see that the "Julie" charts are only first-level analyses. (See page 70 in the Participant's Handbook for data tabulation.)
- b. For estimating waits, the mechanism causing the wait and its queue effect should be understood.
- c. In recommending panel sizes, the need for data analysis that is subject to the statutory peremptory limitations must be appreciated. Groups should have worked through at least one week's data. (Pages 71 and 72 show analysis and page 73 shows the data form.)
- d. With regard to further changes possible, the changes in the "Julie" charts, due to smaller panels and the adjustments to the answers of questions 1 and 2, should be realized. (Pages 74 and 75 show how to reflect panel reduction onto transaction form and Julie chart.)
- e. The Early Release Policy can be interpreted as Thursday or Friday release or a morning/afternoon release. (Page 76 shows morning/afternoon distribution.)
- f. Potential savings are always possible and can be calculated. The trainer must point out the negligible effect on court operation and the benefits of using smaller panels--that is, they offer jurors a better chance of serving on a jury. (It should be emphasized that the solution on page 77 is only one possible solution.)

2. Extension of Technology

The participants now have a feel for improved systems and can be introduced to system measures of effectiveness.

- a. Measures of Usage Effectiveness (page 78)

- Juror Days per Trial--easiest to use data usually available.

- Juror Usage Index--in use in the Federal Courts, (both JDPT and JUI are based on trial length).
- People Brought In--a better measure--a first-day measure, but more difficult to understand.

b. Comparison of Parameters (page 79)

The three measures are given for the problem and compared to the "best" measure, the percent of time used.

c. Time Lines (page 80)

To illustrate the concept of trial days needed to calculate the JUI, the judge time lines are helpful.

d. Sensitivity of Parameters (page 81)

The recommended solutions of the problem are reflected in the parameters that show varying degrees of sensitivity, but all show improvement.

The problem solution was one of proposed operation based on operating experience. The form on page 82 of the Participant's Handbook shows one method of keeping data to allow a court to predict more accurately the number of jury trials that will start.

To close the session, use page 83 to show how the seven rules of good juror usage have been applied to the problem. While the problem was a relatively large court problem, the appropriateness of its solutions to a small court can be illustrated with the Julie chart on page 84. In this three-judge, non-pooling court, the Julie chart shows the real demand for jurors is dramatically less than the 150 available.

SESSION 8

THE JUROR SELECTION PHASE--DATA AND TECHNOLOGY

9:00 - 9:45 a.m.

Day II

TRAINING GOALS

1. Basic knowledge of the process of selecting names from original source lists for the purpose of qualifying and summoning jurors to serve. Source lists may be voter registration lists, motor vehicle driver's license lists, or a variety of others in combination with them.
2. Understanding of how many prospective jurors are lost in the selection process through non-delivery, exemptions, ineligibilities, and excuses. Yield of jurors is analyzed into individual-controllable and court-controllable deletions.
3. Assessment of the advantages and disadvantages of a separate qualifications process, usually conducted by Jury Commissioners by mail or personal interview before summoning of jurors by the court. Separate qualifications is contrasted to a combined qualification-summoning process.
4. Knowledge of the experience of many courts with respect to qualifying and summoning yields.
5. Ability to prepare and interpret forms and charts of selection process information. Introduction of the case study on the Juror Selection Phase will give participants an opportunity to use these forms in the next session.

PERFORMANCE OBJECTIVES

None

METHODS

Lecture, with visual aids
Discussion

MATERIALS/LOGISTICS/AMBIENCE

1. Large room accommodating 70 people comfortably.
2. Table or lectern for presenter.
3. Graphics, overhead projector, and screen.
4. Flip chart, markers, and tape.

PRESENTATION OUTLINE FOR SESSION 8

1. Importance of Experience Data

Presenter stresses the importance of getting information and using it. He describes how the pursuit of useful information (in industry during World War II) led to the rise of the field of quality control. Today, the American Society for Quality Control is one of the larger technical societies, with 35,000 members--engineers and other practitioners.

2. Kinds of Data to Keep on the Jury System

Presenter describes the kinds of data that are useful for jury managers to collect to ensure quality control of the jury system, including:

- Qualifying yields
- Summoning yields
- Juror time used
- Judges' waiting time
- Trial and voir dire times
- Number of jurors used and paid
- Cost to jurors
- Jurors' attitudes

3. Yield Data--Qualifying and Summoning (Use the visuals in the Participant's Handbook on pages 88 to 98 and references to the Guides.)

- a. Presenter focuses attention on yield data. First, he illustrates its use in the jury system process, specifically in the selection process.
- b. Presenter shows visual (Figure 2-2 in the JSM Guide) and explains its content and use--it represents the Yield Computation Worksheet.
- c. Presenter shows visual (Table 2-4 in the JSM Guide), illustrating yield experience data from several courts, and explains the differences in these data.

- d. Presenter stresses the need for management control of summoning and leads into the description of the Yields Summary Worksheet.

4. Control Chart Explanation

The presenter now describes and explains the Yield Control Chart, (Figure 2-5 in the JSM Guide), using examples of control chart results from actual courts.

5. Background of Control Chart

- a. The control chart is discussed as a practical tool used widely in industry.
- b. Experience in courts has shown yields to be distributed normally (strictly speaking, binominally) so that the pattern can be predicted, within limits.
- c. This ability to predict may be extended to "not found" or "moved out of state" and other categories.

6. Action Strategy on Yields

- a. The presenter stresses that the aim is to have yields of jurors as high as possible, consistent with habits and customs of the community, excuses the court believes are appropriate, and the exemptions and exclusions indicated by the state.
- b. Two types of action may be anticipated:
 - 1. If yields are considered too low, it may be necessary to consider why and take measures to eliminate loopholes such as "no response," etc.; or to seek legislative aid or changes in court rules to modify excuses or exemptions; or possibly to change the lists or use multiple lists.
 - 2. When the yield varies too much from period to period (that is, it is out of control), it may be necessary to find out why these differences occur and correct the causes.

7. Combined Qualifying/Summoning--Profile of Jurors

- a. Presenter touches upon the reasonableness of combining qualifications and summoning into a single step.
- b. Presenter indicates the need to retain a profile of jurors by sex, occupation, age, race, country of origin, and economic level (if possible) as a means of responding to challenges to the list.

8. Conclusion

Many courts are experimenting with aspects of the selection process. No system is necessarily the best, but alert court administrators will want to know what is being accomplished so they can appropriate the best methods for their own courts.

SESSION 9

APPLICATION OF JUROR SELECTION PHASE TECHNOLOGY

10:00 - 11:00 a.m.

Day II

TRAINING GOALS

1. Understanding of the method of gathering data and computing it on yield of control charts.
2. Knowledge of how to read trends charted and analyze trends in relation to future court needs for jurors.
3. Determination of how to use the analysis reached in taking appropriate actions in participant's own court and whose responsibility such action would be.

PERFORMANCE OBJECTIVES

By the end of this session--given data on the number of people responding to summons to serve as jurors in a small court--participants, working in small groups or alone, will:

1. Compute the average yields for criminal and civil panels;
2. Plot the data on control chart forms, indicating control limits;
3. Describe the trends, if any;
4. Determine whether any action is necessary and, if so, what kinds and whose responsibility it is to act; and
5. Have their work approved by trainers.

METHODS

Case study--small-group exercise

DESCRIPTION

1. Participants are divided into small groups of up to 12 members. These small groups may be divided into smaller groups to give everyone an opportunity to participate in the exercise. Or, members may work alone.
2. Participants are given the problem statement and task accompanying this lesson plan.
3. The trainer assigned to each small group answers questions and then supervises and observes but lets the participants work out the problem themselves.
4. Participants work at the task and call for a critique by the trainer when they are finished.
5. When all groups or individuals are finished, a general discussion in each group is led by a trainer.
6. A trainer then displays visuals (the answer keys) showing the correct findings and discusses these findings.
7. A trainer summarizes the main points of the exercise, again basically the main points of session 1.

MATERIALS/LOGISTICS/AMBIENCE

1. Rooms or space for work by small groups of 12 members with enough table space for each person.
2. Problem, including data--one set per participant.
3. Control Chart forms--at least three per participant.
4. One calculator per group.
5. One flip chart per group, with markers and tape.
6. Answer key (charts with correct averages and ranges along with analytical comments)--one per person.

CASE STUDY

APPLICATION OF JUROR SELECTION PHASE TECHNOLOGY

Background Information:

You are Court Administrator of the court described on page 52 of the Participant's Handbook. Yesterday, you showed that the maximum number of jurors needed to meet all daily peaks, with panel sizes reduced, was 140 jurors.

You now want to make sure that the selection process provides the jury clerk with 140 jurors each week--no more, no less.

Each week the Clerk requests the Sheriff to summon for jury duty 500 names drawn from the Qualified Jury Wheel. The sheriff usually sends the Summons via registered mail (cost \$1.15) but in order to increase the workload in his office, he has decided to use personal delivery after May 1 (cost, \$5.00 per service). The number of prospective jurors found available to serve (that is, those not exempt, excused, disqualified, postponed, or not found) during the first 20 weeks of the year is shown on page 101 of the Participant's Handbook.

Your Tasks:

1. Calculate the Yield of Summons (Y_S) = _____
2. Plot the yields each week on the Control Chart on page 103. Determine if there are any weeks "out of control limits." If so, can you suggest a possible cause? How can you, as court administrator, take corrective action?
3. Assuming that corrective action can be taken, recompute the Summoning Yield (Y_S) of the normal process using registered mail.
4. Obviously the Clerk has been summoning too many jurors to meet presently reduced requirements of the Jury Clerk. Therefore, you must now calculate how many names to call in order to ensure that at least 140 prospective jurors appear (use Lower Warning Limit, $P - 2SD$, on the Yield Control Chart). Prepare the Control Chart form to be used in the future, under the reduced call.
5. Since somewhat more than 140 prospective jurors may appear each Monday, prepare a policy procedure informing those involved how to reduce this number to exactly 140. Estimate the annual savings of keeping 140 jurors, rather than the number that might be available by chance (50 weeks per year).

Answer key: Case Study for Juror Selection Phase Technology

"PROBLEM ON YIELD AT SUMMONING"

1. Yield at Summoning = $4,800/10,000 = 48.8\%$.
2. Points on Yield Control Chart show that the last two weeks in May are below Lower Control Limit.

A possible cause of lower yield is the Sheriff's decision to "use personal delivery after May 1st."

NOTE: A similar situation actually occurred in Delaware.

Corrective action might be for the Court Administrator:
 - a. Request the Sheriff to resume former delivery by registered mail.
 - b. Relieve the Sheriff of responsibility for serving summons (as was done in Newark, New Jersey).
 - c. Suggest to the Chief Judge that the matter of service of jury summons be studied with the object of getting the maximum yield at least cost (possibly by using regular mail).
3. The weeks in May are judged "out of control" or abnormal and are deleted from the record.

Experience from January 5 through April 26 is as follows:

Yield of Jurors = 4,250

Call = 17 weeks x 500 = 8,500

Percentage Yield = 50.0

NOTE: If the Yield Control Chart were plotted once more with the average yield being $P = 50.0\%$, the effect would be to move all plotted points down. Then all the first 17 weeks would fall within the white lines.

4. Average yield is 50 percent; use this to get step size in Column 2 of the Values chart. Then try $n + 400$: step size is 2.5 percent or 10 jurors. This proves to be too many, for average yield is 200 jurors and Lower Warning Limit is 180 jurors.

Try $n = 300$: step size is 3.0 percent or 9 jurors. This proves to be too few, for average yield is 150 and the Lower Warning Limit is 132 jurors. Therefore, adjust up a bit to $n = 320$: step size is about 3 percent or about 10 jurors. This is about right, for average yield is 160 jurors and Lower Warning Limit is 140 Jurors.

5. With a call of 320 names and a yield of 50 percent, the average number of jurors available will be 160, but chance may put this number as high as 180 some weeks and as low as 140 on others. You save the difference between 160 and 140, 4 days/week x 50 weeks at a jury fee of \$10.00 per day. This amounts to 20 jurors x \$10/day x 50 weeks x 4 days/week = \$40,000 per year.

ANSWER KEY

Juror Selector Phase
Question #2

N = 500

Number of Jurors / Percent of Call

UPPER CONTROL LIMIT
277 P + 3SD = 55.5%

UPPER WARNING LIMIT
266 P + 2SD = 53.3%

255 P + SD = 51.0%

244 AVERAGE YIELD P = 48.8%

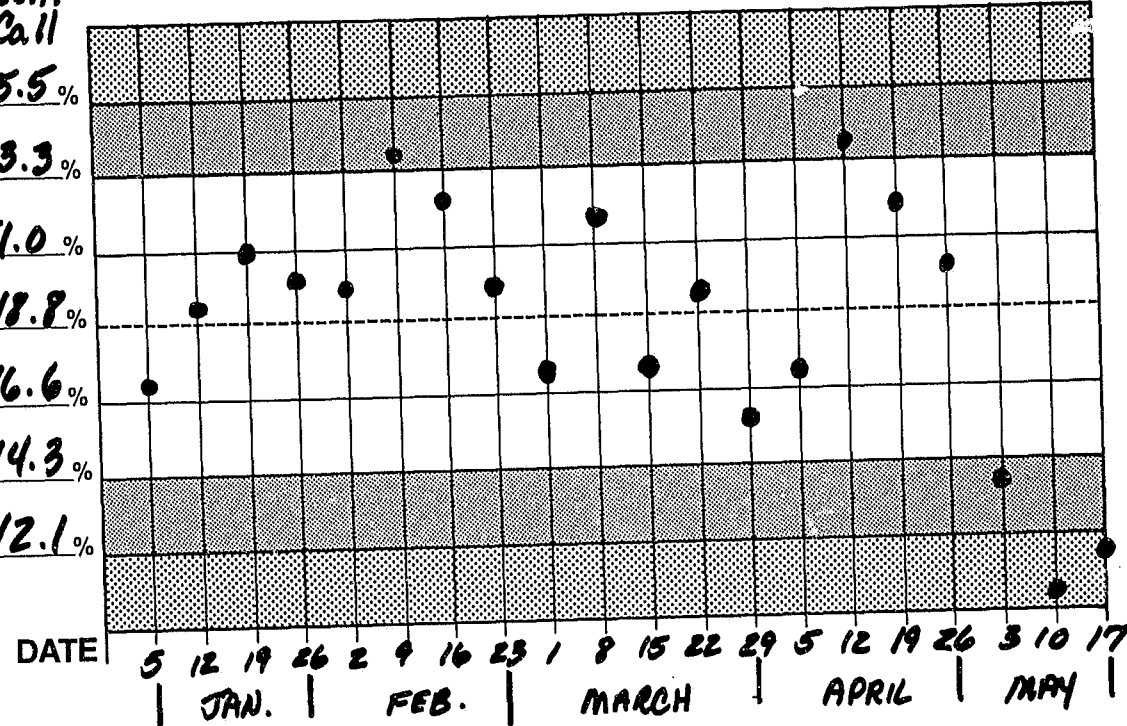
233 P - SD = 46.6%

LOWER WARNING LIMIT
222 P - 2SD = 44.3%

LOWER CONTROL LIMIT
211 P - 3SD = 42.1%

200

YIELD CONTROL CHART



INSTRUCTIONS

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



VALUES OF STANDARD DEVIATION (SD)*

Number Called n	Average Yield P = 50%	Average Yield P = 40% or P = 60%	Average Yield P = 30% or P = 70%
100	5.0%	4.9%	4.6%
200	3.5%	3.5%	3.2%
400	2.5%	2.5%	2.3%
500	2.25%	2.0%	1.9%
600	2.0%	2.0%	1.9%
1000	1.6%	1.6%	1.5%
1600	1.3%	1.2%	1.1%

*Based on:

$$SD = \sqrt{\frac{P(100-P)}{n}}$$

where

P = average yield
n = number called

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

SESSION 10

REPORT BACK ON CASE STUDY AND
EXTENSION OF JUROR SELECTION TECHNOLOGY

11:00 a.m. - 12:00 noon

Day II

TRAINING GOALS

1. Understanding of case study answers, how they are derived, and the importance of such data-keeping in each court.
2. Knowing control-chart experience of other courts in detecting "in-control" and "out-of-control" performances.
3. Knowledge of the chance-cause structure underlying the yield control chart that allows management to concentrate on assignable causes of variation.
4. Determination of the limits of predictable variation in qualification and summoning yields based on the number summoned and past information or experience; use of the statistician's measuring tool, the standard deviation.
5. Understanding of basic concepts of jury system management--contrasting the concepts of securing control at an existing level and of "breaking through" to superior levels.
6. Reassessment of selection phase technology as a means of ensuring that a defensible cross-section of the relevant constituency has been selected for jury duty.

PERFORMANCE OBJECTIVES

Participants will know the correct answers to the problem presented in Session 9.

METHODS

Report back from each group on answers developed for the problem in session 9;
Discussion of the session 9 problem and clarification of any questions by lead trainer; and
Lecture with visuals.

DESCRIPTION

1. Participants are assembled in plenary session.
2. Lead trainer receives group reports on answers to problem in session 9.
3. Lead trainer responds to each report and discusses the findings in respect to correct answers which are issued to participants.
4. Lead trainer presents additional Juror Selection Technologies, using visuals prescribed for the session in the Participant's Handbook on pages 110-119.

MATERIALS/LOGISTICS/AMBIENCE

1. Large room for 70 persons in plenary session.
2. Table and lectern for lead trainer.
3. Overhead projector, graphics, and screen.
4. Flip chart, markers and tape.
5. Answer keys for session 9 problem.

PRESENTATION OUTLINE FOR SESSION 10

1. Equating Supply of Jurors to Demand for Jurors

Presenter completes the loop from usage problems to summoning and shows that in summoning it is necessary to bring in exactly the number of jurors considered to be needed by the court. Knowing how many are needed is of little importance unless control of the supply of jurors achieves that number.

2. Control Chart as a Device for Determining Number to Call

Presenter reviews Yield Control Chart (Figure 2-5 of JSM Guide) to show the derivation of the tables of standard deviation values and thus the indicated step sizes for the chart. The Lower Warning Limit is then identified as the critical value to compare with estimates of need. From the value of the Lower Warning Limit, the presenter shows how the number to be called can be determined from estimates of need and from the control chart.

3. Development of Court Policy in Calling Off Jurors

Presenter now shows that the courts are at the mercy of statistical fluctuations because they must call enough names always to get at least the number equivalent to the Lower Warning Limit. Most of the time, more jurors than this number will come in, as shown by the interval between the Lower and Upper Warning Limits. The policy of the court must be developed, therefore, to bring the actual number of jurors retained on each call down to the number equivalent to the Lower Warning Limit. Estimates of savings resulting from this practice are indicated.

4. Use of Experience Data to Show Failure to Use Experience

Presenter uses Yield Control Charts of D.C. Superior Court (session 8 of the Participant's Handbook) to show how a fixed policy of calling 750 names persisted despite changes in yields attributable to the use of different source lists. More recent experience is also used to show how a reduction of the length of service terms generally increases yields of jurors. Thus, how important is it to have a flexible policy of summoning to deal with these system changes?

5. Use of Experience Data to Show Success in Changes

Presenter uses new information to show how improper postponement policies can be detected by the use of control chart analysis, saving substantial sums for the court and saving juror time. Other examples are introduced.

6. Conclusion

Successful jury management requires knowledgeable control of the selection process in order to equate the supply of jurors with the calculated or determined demand for them.

SESSION 11

MEASUREMENT AND IMPROVEMENT OF JUROR ATTITUDES

1:30 - 2:15 p.m.

Day II

TRAINING GOALS

1. Understanding how phases of jury service affect the jurors' attitudes in positive or negative ways.
2. Understanding of areas for juror service improvement and how to accomplish these improvements.
3. Working knowledge of Jury Service Exit Questionnaire in relation to tabulating and analyzing complete forms as preparation for the case study that follows.

PERFORMANCE OBJECTIVES

None for this session.

METHODS

Lecture with visual aids
Discussion

DESCRIPTION

1. Participants assemble in plenary session.
2. Lead trainer covers points of presentation, using visuals that describe prevalent juror attitudes measured on Juror Exit Questionnaires.
3. Juror attitudes affected by waiting time, loss of income, and term of service are covered in order.

4. The session ends with a discussion of the various factors that influence juror attitudes and some conclusions on how jury systems can be improved.

MATERIALS/LOGISTICS/AMBIENCE

1. Room large enough to seat 70 people.
2. Table or lectern for speaker.
3. Graphics, overhead projector, and screen.
4. Flip chart, markers, and tape.

PRESENTATION OUTLINE FOR SESSION 11

The obvious idea of "let's ask them" is introduced and the Juror Exit Questionnaire is presented. (See page 122 in the Participant's Handbook.) The questions are discussed and the following points are highlighted:

- Plain English is used.
- What the expected "norms" are.
- What the responses show.
- How the answers to question 8 can be analyzed.
- How the comments to the court can be disseminated.

The correlation between unfavorable responses and juror waiting time is shown using the visual on page 123 of the Participant's Handbook. It should be emphasized that among those jurors who waited 80 to 100 percent of their time, 42 percent were still favorable to jury duty.

The "loose" correlation between a juror's loss of income and the juror fee is presented to illustrate the weak asymptomatic approach that indicates that the fee cannot be raised enough to offset the last 10 percent of those jurors losing income.

The effect of one day/one trial and the reduced terms of service upon favorable juror comments is shown using the visual on page 125. The short term of service apparently compensates jurors who do not serve on a jury.

If time permits, the factors of page 126, reflecting the variations across the three groups of courts, can be shown.

The visuals on pages 127 and 128 should draw agreement from the participants. Discussion of negative and neutral factors should be brief. Examples of positive factors should be given so that participants have something to "take home" to improve juror attitudes.

The conclusions (page 128) are used to end the session.

SESSION 12

APPLICATION OF JUROR ATTITUDE INFORMATION

2:15 - 3:00 p.m.

Day II

TRAINING GOALS

1. Familiarization with copies of actual Jury Service Exit Questionnaires and with the value of the information they provide to the participants for use in their own courts.
2. Knowledge of how information on the questionnaires can be tabulated for analysis.
3. Determination of how conclusions drawn from an analysis of data can be used in the participants' own courts to encourage appropriate changes.

METHODS

Case study--small group exercise

DESCRIPTION

1. Participants will work on the case study in assigned groups.
 2. A person from the training staff will help facilitate the case study process.
 3. Each participant will read the case, read through the questionnaires, and start to tabulate information on the form provided; the group may break this task down to speed the tabulation process.
 4. Following some work at individual reading and tabulation, the group will discuss the questions asked in the case study.
 5. Answers developed will be discussed and analyzed in plenary session.
-

MATERIALS/LOGISTICS/AMBIENCE

1. Rooms or space for work by small groups of 12 persons with table space for each person.
2. Problem, including twenty sample exit questionnaires, for each participant.
3. Tabulation form for each participant.
4. Flip chart, marker, and tape for each group.
5. Answer key for each participant.

CASE STUDY

APPLICATION OF JUROR ATTITUDE INFORMATION

Background Information:

Attached is a group of 20 completed Jury Exit Questionnaires from a large city court with a one-month term of service.

Your Tasks:

1. First, glance through the questionnaire, noting some of the items reported by the jurors in their comments and in their ratings of the various factors. List five of these comments or factors that you might wish to have investigated.
2. Tabulate the responses to all the questions from the questionnaires, using the form given.
 - a. Compute the overall averages (or distributions) for each question.
 - b. How would you rate this court with respect to overall juror attitudes?
3. Recognizing the wide range of individual opinions, can you spot some of the reasons for favorable or unfavorable attitudes? (note that the questionnaires are ordered according to the response to question 8.)
4. Compare the attitudes of those who waited in the jury lounge more than half the time as opposed to those who waited less than half the time.
5. Did everyone get to serve on a jury?
6. Is loss of income a factor in determining attitudes?
7. From these tabulations and answers to the above questions, indicate a course of action the court might take to improve juror attitudes.
8. Are the actions that might be taken based on the written comments consistent with those indicated by the tabulations?

Answer key: Case study problem on juror attitudes

1. Factors to Investigate:

a. Time jurors spend waiting outside courtroom

b. Information sheet for jurors/employees

c. Juror lounge renovation

d. Number losing money

e. Jurors' waste of time

f. Long period of service
2. b. Court is rated poor

Reasons: Forty percent gave an unfavorable rating after service. Most courts receive less than a 10 to 15 percent unfavorable rating.
3. Possible reasons for unfavorable attitudes:

a. Jurors with unfavorable attitudes (question 8) wait longer than others.

1. Jurors answering A or C waited an average of 38 percent of the time.

2. Jurors answering B or D waited an average of 74 percent of the time.

b. Long term of service--although this isn't proven.
4. (Include tabulation by time spent waiting)

Analysis:

Question 2

	Favorable	Unfavorable	
Waited 50% or less	10	1	11
Waited more than 50%	2	7	9
	12	8	

Those who waited 50 percent or less of their time were much more favorable.

Analysis:

Question 2

Question 6 (overall ratings)

	A	B	C	D	E	F	G
Waited 50% or less	+	+	0	+	-	0	0
Waited more than 50%	+	0	0	0	-	-	-

Those who waited 50 percent or less of their time seem to rate factors more positively.

5. One person did not get to serve on a jury. This person, who served 160 hours (4 weeks), rates most factors negatively and says she lost money. She has made no comments.
6. Two people say that they lost income as a result of jury service. One person ended up with a favorable attitude while the other ended up with an unfavorable attitude.
7. Course of action:

a. Try not to keep jurors waiting outside courtrooms.

b. Examine the juror information sheet; consider making this information sheet available to employers.

c. Investigate ways to increase juror utilization.

d. Consider reducing term of service.
8. Consistency:

a. Yes--scheduling is rated poor by jurors in question 6G.

b. Not covered by tabulations.

c. Yes--almost half of the jurors say they spent more than 50 percent of their time waiting to be called. Also, jurors rated scheduling as poor.

ANSWER KEY		QUESTIONNAIRE NUMBER																
		1	2	3	4	5		6							7	8	10	11
						A	B	A	B	C	D	E	F	G				
JUROR ATTITUDE SESSION		Hours Spent	% Waiting	Times to Courtroom	Times as Juror	Jury Duty		Orientation	Treatment	Comforts	Safety	Parking	Eating	Scheduling	Income Loss	Impression	Age	Sex
RESPONDENT																		
1		120	20	8	4	N	-	2	2	1	1	-	2	2	N	A	e	M
2		80	50	3	1	N	-	1	1	2	1	3	2	2	N	A	e	M
3		116	10	15	3	Y	2	1	1	1	1	2	1	1	N	A	f	F
4		120	60	3	1	Y	2	2	1	1	2	-	1	1	N	A	-	F
5		136	50	9	3	N	-	1	1	2	2	3	3	2	Y	A	d	M
6		80	50	8	3	N	-	2	1	2	2	2	3	2	N	A	e	M
7		160	50	5	4	Y	5	1	1	2	1	3	1	1	N	A	e	M
8		80	75	15	2	N	-	2	2	3	2	3	3	3	N	B	b	F
9		30	15	9	3	N	-	1	1	3	2	1	1	3	N	B	c	F
10		128	80	7	2	N	-	1	2	3	2	3	3	3	N	B	d	F
11		138	35	5	3	Y	4	2	2	3	2	3	2	2	N	C	f	F
12		98	12	7	3	N	-	1	1	1	1	-	2	1	N	C	e	F
13		93	20	7	5	Y	2	2	2	3	2	-	1	3	N	C	g	F
14		128	60	20	4	Y	1	1	1	2	2	-	-	1	N	C	e	F
15		140	30	4	3	N	-	1	1	2	1	1	2	1	N	C	c	F
16		120	75	12	1	Y	1	1	1	2	1	3	3	3	N	D	e	M
17		112	85	6	2	Y	1	2	2	3	3	3	2	3	N	D	-	M
18		90	75	7	3	Y	1	1	1	2	1	3	2	2	N	D	e	M
19		160	90	6	0	N	-	1	2	2	3	3	3	3	Y	D	c	F
20		90	95	7	2	N	-	1	2	2	2	3	3	3	N	D	f	M
NUMBER RESPONDING																		
AVERAGES		111	52	8	2.6													
DISTRIBUTIONS (NUMBER)						Y 9 N 11		(1) 13 (2) 7 (3) 0	(1) 12 (2) 8 (3) 0	(1) .9 (2) 10 (3) 6	(1) 8 (2) 10 (3) 2	(1) 2 (2) 2 (3) 11	(1) 5 (2) 7 (3) 7	(1) 6 (2) 6 (3) 8	Y 2 N 18	A 7 B 3 C 5 D 5	(a) 0 (b) 1 (c) 3 (d) 3 (e) 8 (f) 3 (g) 1	F 11 M 9

SESSION 13

REPORT BACK ON CASE STUDY AND INFORMATION FOR JURORS

3:15 - 4:00 p.m.

Day II

TRAINING GOALS

1. Recognition of the significance of data derived from Jury Exit Questionnaires as related to participants' courts.
2. Knowledge of information sources available for identifying juror attitudes.
3. Awareness of methods used to better inform jurors who are called for service.
4. Viewing of one court's (Wayne County, Michigan) method of juror orientation.

PERFORMANCE OBJECTIVES

Participants will know the correct answers to the problem developed in session 12.

METHODS

Lecture with visual aids (see pages 154-165 of Participant's Handbook);
Discussion;
Audiovisual presentation of Wayne County (Michigan) orientation program.

DESCRIPTION

1. Participants assemble in plenary session.
2. Lead trainer develops discussion from small group reporters concerning issues discussed while doing the problem in session 12.

3. Lead trainer next discusses areas of information for jurors, concentrating on sources of information that assist the jurors in understanding their function as jurors.
4. The session ends with a presentation of the Wayne County orientation program.

MATERIALS/LOGISTICS/AMBIENCE

1. Room large enough to seat 70 persons in plenary session.
2. Table and lectern for lead trainer.
3. Overhead projector, graphics, and screen.
4. Wayne County orientation slides, two carousels, synchronization equipment, audio equipment, and two screens.
5. Flip chart, markers, and tape.

PRESENTATION OUTLINE FOR SESSION 13

1. Introduction

Jurors are a cross section of the community, varying in ability, education, training experience, and willingness to serve. Most report for jury duty with little real knowledge about what to expect during their term of service. Although courts provide a wide range of instructional material for them, many leave with questions still unanswered, and prosecutors and judges themselves sometimes complain about the inaptitude of new jurors.

The problem is to determine what kind of information is essential for jurors and when this information should be presented. In an endeavor to provide guidelines for solving this problem, instructional materials for jurors in a large number of courts have been reviewed and analyzed to select what appears to be most useful and effective in preparing jurors for their part in the judicial system.

2. Information Sources

The following types of instructional material for jurors were found in the courts studies:

- Qualification Questionnaire
- Summons
- Information Sheet
- Juror Handbook
- Orientation Lecture
- Movie
- Courtroom Instructions
- Exit Interview

Not all courts use these sources of information, nor do all use them in the same way. Because these instruments vary so much from court to court, their purposes and the experience of many courts in accomplishing those purposes are discussed in the paragraphs which follow.

a. Qualification Questionnaires

Jurors learn through the qualification questionnaire that they are being considered for juror duty and that they may be disqualified, exempt, or excused under certain conditions. Some qualification questionnaires have a few questions directed at ascertaining age, address, residence, and occupation; others have many questions.

There is great variation in the rate of response to the questionnaire among jurisdictions, suggesting that in some areas citizens may view the authority of the qualification questionnaire as less serious than that of the summons.

Both the questionnaire and the summons provide similar information to prospective jurors. How completely these are integrated is a problem for each court.

b. Summons

The modern summons to jury duty is a small computerized sheet, usually sent by certified mail to citizens selected by some random process from the Qualified Jury Wheel. The summons always tells the prospective juror when to come to court and where the court is; but some give additional information such as the following, based on a review of summonses used by 19 courts:

<u>Content of Summons</u>	<u>No. of Courts</u>
Where to Report	19
When to Report	19
How to Request Excuses	12
List of Possible Excuses	8
Penalties for Not Reporting	10
Term of Jury Service	8
Jury Fee to be Paid	6
Parking Facilities	4
Information Sheet Attached	3

No single court covered all those points. The one most nearly satisfying total coverage is the summons used by the New York Supreme Court of New York County. This court does not enclose an information sheet with the summons.

c. Juror Handbooks

In most courts, juror handbooks are provided to jurors on their first day of service. The 22 handbooks reviewed vary in size from two to 38 pages, and as much in content. Sometimes they cover the general information given on some information sheets and usually describe the voir dire, the trial, and the deliberation. Nearly all indicate the conduct expected of jurors. Some give a list of meanings of unusual terms that jurors may encounter. None of the 22 handbooks covered all

of the topics, and none was consistently general or detailed in describing the voir dire or court processes. Their contents may be summarized as follows:

<u>Content of Juror Handbooks</u>	<u>No. of Courts</u>
Illustrated with Pictures	9
Described Qualification and Selection	11
Indicated Function of Judge and Jury	11
Described Case Filing Procedures, etc.	8
Detailed Description of Voir Dire	9
Detailed Description of Trial	7
Necessity of Juror Waiting in Jury Pool	4
List of Legal Definitions	6
Desired Conduct of Jurors	22

The Jury Handbook of Nassau County Courts, the longest (38 pages), was also judged to be the most informative and best presented. The Philadelphia court's 17-page handbook was judged to be nearly as extensive and adequate. Many others were found to be repetitious and difficult to read.

d. Orientation Lectures

An orientation speech is usually given by a judge to prospective jurors at the time of their first assembly. The judge is often assigned on a rotational basis in a large court, but is sometimes a volunteer. In some courts, the orientation lecture is given by the court administrator or the jury clerk. The content of the orientation lecture depends in large measure on the person giving the talk and the amount of time he has. It can be lengthy or brief, comprehensive or sketchy, administrative or legal, informative or abstract.

No attempt has been made to codify the many orientation speeches used in courts or their specific content. The most successful seemed to be judges' speeches which warmly welcome the jurors, explain the importance of jury duty, explain the nature of the trial process without attempting to demonstrate legal sophistication, indicate the uncertainties inherent in trial processes that cause long periods of waiting by jurors, and avoid reiterating what is contained in the information sheets or in a movie to be given. The successful orientation appears to be simple and clear enough for the lower quarter of the group to comprehend easily without causing anxiety that they will not be able to perform their juror functions adequately. Some of the most successful are those given in the busy court in Houston, where a new group of 400 to 600 jurors is greeted every day, where time is necessarily compressed in order to make jurors available for service, and where the orientation task is rotated from judge to judge.

The least successful orientation lectures seem to be those where the speaker is legalistic, gets involved in concepts of justice, threatens or intimidates jurors or appears to believe they all wish to avoid

service, and keeps them unnecessarily. Sometimes the pre-trial instructions that properly should be given to the panel before each trial are extended in the opening address, long before any of the prospective jurors know the significance of the trial events. Those who have the task of presenting these talks might profit by reviewing the juror comments on the exit questionnaires.

e. Movies

The purpose of a movie is to generally prepare the juror for what he or she will encounter during the term. The movie should cover the judicial or legal process, describing the distinction between civil and criminal cases, the different jury sizes, and the voir dire, trial, and deliberation processes. Implicit in this description should be a view of juror conduct. The movie should also deal with the problem of waiting.

Usually a movie is part of the orientation process, preceded by a judicial address and supplemented with a handbook. Of all orientation methods, it is the easiest to eliminate since any movie is both general and impersonal enough so that sizable portions of it could be inapplicable. The adequacy of facilities for proper viewing and hearing the movie also affects its usefulness. In some courts, use of movies appears to lower the tone and interrupt the continuity of the orientation process.

Two movies are presently available, both dealing with the voir dire and trial process: The True and the Just (an older film), which uses a property damage case as an example and contains a brief statement about waiting time; and How Do You Find? (more recent), more legalistic than the other, and using a criminal case as an example.

f. Courtroom Instructions

The courtroom is the place where the jurors actually see and experience the legal process--the juror oath, specific jury instructions, juror conduct rules, the method of selecting the foreman, the trial process, and deliberation room conduct. Since all the practices may vary from court to court, and from judge to judge and case to case, these topics should not be covered in depth in any other source.

g. Exit Interviews

In some courts, the jury judge meets with the jurors at the end of their term to thank them for their service and to answer any questions that might have arisen during the term. Although such a session provides information to the jurors, it also supplies useful feedback to the judge and jury clerks as to the questions that need to be explained better in the future. Jurors usually respond well to such meetings with a judge or judges.

Some courts also give out certificates of service or a note of thanks to jurors on their last day of service. These certificates are well received; but how they are used later and whether they serve their

intended purpose of creating a good feeling for the court is not known. However, in one court which gives a certificate, juror reaction to jury service is the worst in the courts studied. The certificate is thus not a sure way to overcome other deficiencies of jury service.

3. Conclusions

This review suggests that informing jurors of what they need to know to perform their duty is a complex operation:

- a. Consideration must be given to the fact that in training, education, age, and occupation, jurors are perhaps the most diverse social group that needs to be instructed, and instruction must reach every level.
- b. Information needed by the jurors must be considered as an entity so that they get all the information they need at the time it is needed.
- c. Adequacy of the juror information should be tested, either by exit questionnaires or by exit interviews, to discover the kinds of questions that still are not answered at the end of the term. Answers to these questions should be noted so they can be fed back into the earlier information sources.

SESSION 14

SPECIALTY SESSIONS

4:00 - 5:00 p.m.

Day II

Note: The Specialty Sessions will run concurrently. Participants are encouraged to attend the session relating to a home-court interest.

TRAINING GOALS

1. Multiple Lists
 - a. Rationale for use of multiple lists in jury selection.
 - b. Discussion of the problems of duplication in using multiple lists; comparative analysis of available lists.
 2. Evaluation and Planning
 - a. Highlighting of the value of objective evaluation in relation to planned program change.
 - b. Approach to strategy for program development, emphasis on human relationships.
 3. Orientation Films
 - a. Viewing of Juror Orientation Films:
 - (1) The True and the Just
 - (2) How Do You Find?
 - (3) And Justice for All
 - b. Comparative analysis of relative merits of orientation films.
 4. Small Courts and Juror Usage
 - a. Exploration of similarities and differences in juror usage and management in small courts and large court systems.
 - b. Applicability of good juror usage and management practices in small courts.
-

PERFORMANCE OBJECTIVES

None for these sessions.

METHODS

1. Multiple Lists: lecture and discussion with visual aids (see pages 168-179 of Participant's Handbook).
2. Evaluation and Planning: group discussion and workshop using Force-Field Analysis as guide.
3. Orientation Films: presentation of various films on juror orientation.
4. Small Courts and Juror Usage: lecture and discussion.

DESCRIPTION

1. The four sessions are run concurrently and are open for each participant to choose on an optional basis.
2. Each group leader takes responsibility for preparing and conducting the session assigned.

MATERIALS/LOGISTICS/AMBIENCE

1. Multiple Lists: room for 15 persons, overhead projector, screen, graphics, flip chart, markers, and tape.
2. Evaluation and Planning: room for 15 persons, Field-Force Analysis sheet for each participant, flip chart, markers, and tape.
3. Orientation Films: room for 30 persons, orientation films, 16mm projector and screen.
4. Small Courts and Juror Usage: room for 15 persons, flip chart, markers, and tape.

PRESENTATION OUTLINE FOR SESSION 14

SPECIALTY SESSION 1

MULTIPLE LISTS

See visuals in Session 14 of Participant's Handbook regarding use of Multiple Lists.

PRESENTATION OUTLINE FOR SESSION 14

SPECIALTY SESSION 2

EVALUATION AND PLANNING THROUGH A FORCE-FIELD ANALYSIS INVENTORY

A. Problem Specification

Assume that an evaluation of data gathered indicates that the comparative yield for the qualification process is such that it can be eliminated in favor of a summoning step only.

How would you implement this change in your court?

Analyze the implementation approach through the following:

1. We understand the problem of changing the qualification/summoning procedure specifically as:

2. The following persons with whom we must deal (including ourselves) are involved in solving this problem:

- a. Their specific roles in this problem are:

- b. These persons relate to one another in the following manner:

3. These other factors are relevant to the problem:

4. If it were in our power, we would have a consensus that this one aspect of the problem should be changed:

B. Problem Analysis

5. If we consider the present status of the problem as a temporary balance of opposing forces, the following would be on our list of forces driving toward change: (Write to right of letters.)

- | | | |
|-------|----|-------|
| _____ | a. | _____ |
| _____ | b. | _____ |
| _____ | c. | _____ |
| _____ | d. | _____ |
| _____ | e. | _____ |
| _____ | f. | _____ |
| _____ | g. | _____ |

6. The following would be on our list of forces resisting change: (Write to right of letters.)

- | | | |
|-------|----|-------|
| _____ | a. | _____ |
| _____ | b. | _____ |
| _____ | c. | _____ |
| _____ | d. | _____ |
| _____ | e. | _____ |
| _____ | f. | _____ |
| _____ | g. | _____ |

7. In the blank spaces to the left of the letters in both questions 5 and 6, rate the driving forces toward change and the forces resisting change, using the following scale of 1 to 5:

1. It has almost nothing to do with change in the problem.
2. It has relatively little to do with change in the problem.
3. It is of moderate importance to change in the problem.
4. It is an important factor to change in the problem.
5. It is a major factor to change in the problem.

8. In the following chart, diagram the forces driving toward change and resisting change as you rated them in 5 and 6. List with a descriptive word. Draw an arrow from each toward the status quo line corresponding to the degree of force rated.

		STATUS QUO											
DRIVING FORCES		5	4	3	2	1	1	2	3	4	5	RESISTING FORCES	
a.	_____											_____	a.
b.	_____											_____	b.
c.	_____											_____	c.
d.	_____											_____	d.
e.	_____											_____	e.
f.	_____											_____	f.
g.	_____											_____	g.

Change Strategy

9. Select two or more restraining forces from your diagram and outline a strategy for reducing their potency.

Use the SPIRO model as goal-setting criteria for change strategy:

S - Specificity: Exactly what is to be accomplished?

P - Performance: What behavior is being implied?

I - Involvement: Who is going to do it?

R - Realism: Can it be done?

O - Observability: Can others see the behavior?

PRESENTATION OUTLINE FOR SESSION 14

SPECIALTY SESSION 3

ORIENTATION FILMS

Purchase Information:

	<u>*Price</u>
a. <u>The True and The Just</u>	\$100.00
A. A. Schechter Associates, Inc. 633 Third Avenue New York, N.Y. 10017	
Telephone: (212) 687-1150	
b. <u>How Do You Find?</u>	\$390.00
BNA Communications, Inc. 9401 DeCoverly Road Rockville, Md. 20850	
Telephone: (301) 948-0540	
c. <u>And Justice For All</u>	\$225.00
The Shana Corporation 464 Townsend Street Birmingham, Mi. 48009	
Telephone: (313) 646-4136	

* Prices as quoted by distributors in 1976, subject to change without notice.

PRESENTATION OUTLINE FOR SESSION 14

SPECIALTY SESSION 4

SMALL COURTS AND JUROR USAGE

Participants from small court systems often have difficulty relating to the main presentations. The purpose of this session is to give them "their moment" and to show how the technology presented relates to their courts.

1. Selection

Yield and methods are the same as those presented for large courts.

2. Usage

Panel data methods are the same as those discussed for large courts.

Scheduling becomes a primary problem.

Some special techniques:

a. Multiple Voir Dire

b. Empanelment Day

3. Attitudes

Problem of small data base--more comments than analysis.

Issue of extreme terms of service in small courts.

Trainer ends session by encouraging an exchange of ideas and problems, continually relating the material to that presented in the major sessions.

SESSION 15

MANAGING CHANGE IN THE JURY SYSTEM--IMPEDIMENTS TO CHANGE

9:00 - 9:45 a.m.

Day III

TRAINING GOALS

1. Knowledge of possible problems and obstacles to introducing improvements in jury systems.
2. Consideration of technological change in the context of the human elements affecting implementation.
3. Increased familiarity with the common causes for resistance to improved jury management.

PERFORMANCE OBJECTIVES

Participants will become familiar with the bases for resistance to improved jury management procedures and the most common manifestations of this resistance. Working in small groups, participants will use this information to analyze simplified case studies and begin to consider remedies to, or ways to minimize, problems associated with introducing change.

METHODS

Lecture;
Discussion; and
Small-group exercise.

DESCRIPTION

1. Gather participants in plenary session.
2. Lead trainer introduces the session, stating its purpose and alerting participants to the small-group exercise that will be part of the session.

3. Participants are given time to read through the assigned case study in order to enhance their ability to listen actively to the lecture.
4. The lead trainer then presents the lecture on the problems of managing change in jury systems by following the Presentation Outline.
5. Participants are divided into groups of 12 and each group moves with a group trainer to a discussion area. Each group analyzes the assigned case study.
6. Participants reconvene in plenary session to discuss their analyses of the case study.
7. The lead trainer makes a linkage to the next session which will involve groups of participants in identifying specific problems in their own jury management systems.

MATERIALS/LOGISTICS/AMBIENCE

1. Large room for plenary presentation and discussion and space for five groups for the small-group exercises.
2. Lectern for trainer for use during the plenary session.
3. Tables for five groups of 12 members each.
4. Flip chart, easel, markers, and tape for each group and also for the leader or trainer in the plenary session.
5. Small-group exercise instructions and cases.
6. Overhead projector for plenary session.

PRESENTATION OUTLINE FOR SESSION 15

I. Introduction

- A. Goals for the session
- B. Format and timetable for session

II. Setting the Frame of Reference

- A. The problem identification process in the management of the jury system has begun. Studies have been done in the last six to seven years. There is no shortage of good ideas or proven procedures.
- B. Why haven't all courts moved rapidly to improve jury management?

III. Factors That Impede Our Ability to Improve Jury System Management

- A. Environmental factors vs. human factors
- B. Human factors--resistance to change:
 1. The positive aspects of resistance
 2. Common bases for resistance
 3. Exemplars from past studies of jury system management

IV. Analyses of Case Studies by Groups

- A. What factors appear to be operating in the assigned case study?
- B. How might these impediments have been avoided?

V. Anticipating and Attempting to Neutralize Resistance

- A. Discussion of case analyses
- B. Brief lecture on methods of minimizing resistance

PRESENTATION NOTES FOR SESSION 15

I. Introduction

A. Goals for the session:

1. To consider technological change in the context of the human elements affecting implementation;
2. To become familiar with the common causes for resistance to improved jury management; and
3. To begin to develop strategies to deal with or neutralize resistance.

B. Format and timetable for the session

1. Basic presentation--30 minutes;
2. Small group exercise--20 minutes; and
3. Plenary discussion--40 minutes.

II. Setting the Frame of Reference

- A. Brief discussion of fact that the problem identification process in management of the jury system has begun through studies that have been done in the last six or seven years. There is no shortage of good ideas or proven procedures.
- B. Highlights of the technology presented during the Workshop.
- C. Given the above, why have all courts not moved rapidly to improve jury management?

III. Factors That Impede Our Ability to Improve Jury System Management

A. Environmental factors versus human factors

What are the factors that affect one's ability to improve jury system management? They do not differ significantly from the factors that hinder the introduction of most types of change. There are both environmental factors and human factors. Under environmental factors, one might list such problems as limited courthouse facilities, inaccessible source lists, and statutory impediments. But, close examination usually reveals that environmental factors can be solved, ameliorated, or circumvented by a determined human!

The "human factors" most often present the stickiest impediments to change. And these are the factors we want to explore here. Hopefully, as a result of our discussions, you will return to your own courts a little more sensitive to the dynamics affecting your ability to improve your jury management system. And hopefully you will have a certain amount of confidence in your ability to deal successfully with these forces. We don't have final solutions to all these problems, but we do believe that heightened awareness will help you avoid them.

B. Human factors--resistance to change

1. The positive aspect of resistance

- a. "Resistance" is really in the eye of the beholder--the change agent identifies certain behaviors as "resistance" because they impede attainment of certain objectives which he or she has concluded are "good" or "right;" but the "resistor" sees his behavior as protecting the integrity of the existing system.
- b. "Resistance" has, in fact, positive value in protecting the system against damaging innovation. "The loyal opposition" may be the first to point out valid threats to the system. And they force the change agents to fully understand the system which they are attempting to modify.
- c. Without resistance to change, systems would lack stability--they could easily be pulled this way and that and would constantly be out of balance.
- d. The point is that we, accordingly, must not dismiss resisters and their arguments as crackpots or obstructionists, but we should listen carefully to their arguments and consider them fully.
- e. Many social scientists believe that there are natural forces for change within each individual and each organization. What we want to do is to try to remove the obstacles so that the natural tendency for growth can prevail. It will turn out that there are people within the organization who see a need for improvements but believe their modest suggestions would have little influence on the system.

2. The common bases for resistance

a. Habits, Norms, and Primacy

Among the strongest influences on human behavior are habits, norms, and primacy. The way we first deal successfully with a situation tends to set us in a very persistent behavior pattern. This becomes very satisfying and often results in continuing certain activities that no longer are useful or are not optimal in an operation; for example, using forms

that are no longer needed. So, the time-worn response, "this is the way we have always done it," is not merely obstructionism, it springs from a basic individual or organizational need--the comfort and security of habit and group norms.

Accordingly, it is unproductive to try to tackle such an argument head on. To institute change, we need to offer alternatives that have intrinsic attractiveness to the people in the system. Habit is such a strong force that people sometimes feel guilty about changing the traditional approaches. Conforming to time-honored practices is so-called "good" behavior while behaving differently seems to carry all sorts of "bad" connotations.

Before we can determine what may be attractive to those we wish to influence, we need to understand some of the basic causes of resistance to system change or improvement.

- (1) Fear by Those in Authority that Changing Now May be Perceived as an Admission of Past Failure:

If this is such a good idea, why didn't we do it before?

If we save \$40,000 of the taxpayers' money next year, it's tantamount to admitting we wasted \$40,000 of their money this year.

(Potential solution: Consultant takes steps to ensure that "good press" will be received by those in authority; they should receive full credit for the success.)

- (2) The Goals and/or Results of the Proposed Changes are Inconsistent with the Personal Goals and Beliefs of Those Who Must Adhere to Them:

Changing the method of selecting prospective jurors so that cross-sectional representation is assured may be totally inconsistent with a judge's belief that "blue ribbon" juries are superior and desirable.

Vesting the power to excuse in the clerk or court administrator may divest a judge of what he or she feels is a valuable prerogative.

(Potential solution: Attempt to relate the proposed changes to other personal values of the individuals involved, then the system changes may allow realization of certain other individual goals. For example, if the court administrator handles the excuse function, a burden will be removed from the judge, a duty the judge may feel improperly burdened with.

Waste of jurors' time is not reprehensible.

- (3) The Full Implications of the Proposed Change May be Unknown, and Thus Pose a Threat to Those Involved:

Will the use of a computer to select prospective juror names result in a challenge by attorneys or a reversal of criminal cases?

Does the present, ambiguous statute permit a criminal judge to select a jury from less than the full panel at the courthouse?

(Potential solution: Thorough statutory research; enabling administrative order from the State Supreme Court.)

- (4) The Goals of the Changes and the New Procedures Themselves May be Misunderstood:

There is selective perception and retention.

The suggestion that fewer names be picked from the source lists for the master wheel met with vehement resistance because it was difficult to convey how the probabilities of being selected from the total population are independent of the number of names picked from the source list.

(Potential solution: Careful attention to detail in presentations; simplified presentations--don't use technical language.)

- (5) Resistance to New Procedures May in Reality be a Form of Challenge to the Authority of Those Instituting the Change:

Judges versus their court administrators.

State trial judges versus supreme court rules of superintendency.

(Potential solution: Recognize the potential areas of this type of conflict in the system early; deal with them in the planning stages.)

- (6) Resistance May be Expected to be High to Ideas That Are "Not-Invented Here":

Surprisingly, people are not necessarily turned on by a great new system instituted successfully in Los Angeles or Detroit.

This does not fit our local problems--we're smaller.

Therefore, success elsewhere should sometimes be downplayed, at least at the beginning.

- (7) New Procedures May a) Increase Workload or b) Reduce Workload:

The problems of increase speak for themselves--there may be a real increase or the fear of an increase.

Reduced workload may be a threat to job security. For example, code-a-phone notification to jurors may take away a substantial part of an employee's job.)

- (8) Changing Too Many Familiar Processes at One Time Can be Extremely Disconcerting and Difficult for People to Absorb:

For example, modifying juror selection systems substantially at the same time that major revisions in the jury usage system are being instituted is likely to be too much for most people to absorb at once.

- (9) A Natural Interest in Improvement or Change May be Stifled by the So-called "Illusion of Impotence":

May be especially present in court administrators since judges are strong authority figures.

- (10) Failure to Recognize Systemic Interrelationships Leads to Resistance and Failure:

It is not possible to pool jurors and reduce trips to court to pick a jury if judges' trial schedules are not coordinated.

SESSION 16

APPLICATION OF MANAGING CHANGE IN JURY SYSTEMS

10:00 - 10:20 a.m.

Day III

TRAINING GOALS

1. Identification of the resistance factors to be expected in implementing the four basic monitoring forms.
2. Greater understanding of impediments to change in relation to real juror management problems.

PERFORMANCE OBJECTIVE

Participants will know three areas of possible improvement in their own jury systems.

METHOD

Group exercise for five groups.

DESCRIPTION

1. Participants remain in plenary session room.
2. Participants are grouped in five sections of equal size. Each group is composed of persons with different court functions and from different courts--for example, a judge, a court clerk, a court administrator, etc., each from a different court system.
3. One member of each group is assigned to be group leader.
4. Each participant is asked to identify at least three and no more than five areas of possible improvement in his or her court system. Forms are given to each person for this exercise.

CONTINUED

1 OF 2

5. Using the tabulation form, "Guide for Research and Study of Areas for Possible Court Improvements," the group leader will ask each participant to read his or her list and categorize suggested issues under the appropriate headings on the Guide. Another participant will write the issues identified on the flip charts for other group members to see.
6. The cards identifying the areas for possible improvement in individual courts will be collected by the group leader and, along with the tabulated information, will be given to the trainer.
7. Using the issue identification list posted on the flip charts, the group leader should use any remaining time to seek a consensus on which issue should have priority attention when present in a court system.

MATERIALS/LOGISTICS/AMBIENCE

1. Plenary session room prepared for at least 70 people.
2. Lectern.
3. Chalkboard and chalk.
4. Flip charts and markers.
5. Five areas for small-group work.
6. Masking tape for each small group.
7. Five-by-eight cards--one for each participant.
8. Problem Identification Guide Forms--one set of three pages for each group leader.

SESSION 17

REPORT BACK ON CASE STUDY AND Rx FOR CHANGE

10:20 - 11:00 a.m.

Day III

TRAINING GOALS

1. Discussion and analysis of case study on managing change.
2. Understanding of how to anticipate and neutralize resistance to change.
3. Knowledge of building support systems in a court to develop a successful strategy for jury system improvements.

PERFORMANCE OBJECTIVES

By the end of the session, participants will produce a priority list of areas for improvement in the jury systems represented by the audience.

METHOD

Large group exercise.

DESCRIPTION

1. The small groups from the previous session reassemble in a plenary session setting.
2. The lead trainer asks for a report on each small group's effort. Flip charts are posted--one for each group. (These were prepared in the preceding session and should resemble the Guide for Research and Study.)
3. The lead trainer asks a representative of each group to read the group's designated areas for improvement--from the perspective of the citizen, the bench, etc.

4. The lead trainer asks each group to comment, expand upon, and clarify their selections..
5. The lead trainer then uses a new sheet of newsprint and, with suggestions from the group, derives a common list, putting areas of jury system improvement in order of a priority determined by the participants.
6. Discussion.
7. The lead trainer announces that the training staff will react to the final list after lunch, suggesting problems they may be faced with and strategies they may take in order to implement the changes identified.

MATERIALS/LOGISTICS/AMBIENCE

1. Large room for plenary session.
2. Flip chart, markers and tape.

PRESENTATION OUTLINE FOR SESSION 17

- I. Anticipating and Attempting to Neutralize Resistance
- II. Discussion of Case Analyses
- III. Minimizing Resistance

One of the principles we have advocated in the Workshop is that relevant information must be assembled to allow analysis of the situation and then corrective or modifying action. However, we must recognize that the accumulation and analysis of the proper information and the development of action alternatives does not necessarily ensure that remedial action will be taken. Information can provide the rationale for action but it will not by itself produce the desired modification.

What is the one ingredient that must be present in order to pursue successfully modifications or improvements in the management of the jury system? It is the support of the chief judge or the judge responsible for jury management and the support of administrative personnel responsible for system operation. Success necessarily begins here. Not only must you have approval from the top; you must also make sure that system participants are aware of that approval.

A. Mechanisms

1. Provide simple, relevant, and all-inclusive data concerning proposals.
2. Ensure full understanding by those in charge.
3. Sponsor a presentation to the staff which includes a statement of support from the chief judge.

B. Ensure that the project goals and objectives are crystal clear to participants.

1. Allocate sufficient time for explanations.
2. Engage in interactive discussions with plenty of time for questions and answers.
3. Give a clear explanation of reasons for your optimism about the changes.

- C. Build personal involvement and ownership into the new system on the part of system participants.
 - 1. Focus on the local environment; demonstrate present practices and their rationale.
 - 2. Involve participants in initial problem identification/diagnosis.
 - 3. Begin changes with an experimental program.
 - 4. Encourage participant suggestions during experimental period; provide sufficient flexibility to allow individuals to institute limited changes on their own during the experimental period.
 - 5. Minimize competition--let participants take full credit for successes.
 - 6. Emphasize participant input to final design (perhaps using a series of task forces composed of system participants).
- D. Minimize the perceived challenge to established and personal values and ideals.
 - 1. Show early that personal autonomy and security are not threatened by the new system.
 - 2. Emphasize congruence of the new system with certain common values and ideals.
- E. Enhance the possibility that participants will achieve a sense of accomplishment.
 - 1. Establish a means of acquainting all participants with feedback on successes and failures.
 - 2. Provide feedback to individuals concerning their own successes and failures as well as total system successes and failures. (In juror usage systems such feedback may be immediate and highly visible.)
 - 3. Establish communication among all system participants so that intra-group suggestions can emerge. (This is a very powerful problem-solving tool.)
 - 4. Be sure participants get "good press."
- F. Be aware of your own potential impact as the agent of change.
 - 1. Recognize that you alone cannot institute successful, long-term change--you need the group.
 - 2. Subordinate your own ego and need for recognition.

- 3. Subordinate your super-ego and attendant need for hard-driving success; don't push people harder or faster than they can adapt; tune-in to the people you are working with.
- 4. Be open to opposing viewpoints; empathize with opponents; recognize valid objections; even a so-called reactionary may raise valid criticisms.

SESSION 18

IDENTIFYING AREAS OF POSSIBLE IMPROVEMENT IN EACH COURT'S JUROR
USAGE AND MANAGEMENT SYSTEM AND DEVELOPING A COURSE OF ACTION FOR CHANGE

11:00 a.m. - 12:00 noon

Day III

TRAINING GOALS

1. Identification of areas of possible improvement in participants' jury systems.
2. Deeper sense of commonality of juror usage and management issues confronted by participating courts.
3. Awareness of the common goal of developing more efficient and effective court systems.
4. Beginning a strategy for study, analysis, and improvement of a component of one's own jury system.

PERFORMANCE OBJECTIVES

1. Participants will write down at least four areas in which their individual jury systems could be improved.
2. Each participant will be able to delineate his or her proposed improvements according to appropriate categories--juror selection, juror usage, juror attitudes, or jury management--and list accordingly.
3. A court team or individuals working alone will outline a planned course of action for study, analysis, and implementation of jury system improvements in the home court.

METHODS

Individual and group work using forms found in Participant's Handbook on pages 207 to 212.

DESCRIPTION

1. Working with others from the same court, participants use the form provided to list individually the areas they believe should be improved in the home court's jury system.
2. Each suggested area of improvement should be tabulated according to the four categories listed on page 209 of the Participant's Handbook.
3. Participants should hand in the list of suggested improvements to lead trainer.
4. The court teams or persons working individually use the Course of Action Planning form on pages 211 and 212 of the Participant's Handbook, select a high priority jury system change it would like to implement, and develop a plan of action. The team may wish to continue this task during lunch.

MATERIALS/LOGISTICS/AMBIENCE

1. Room large enough for plenary session.
2. Tables arranged for participants to work together as court teams.
3. Flip chart with marker.
4. Handouts: "Possible Areas of Improving Juror Usage and Management" and "Juror Usage and Management Study Guide."

POSSIBLE AREAS OF IMPROVING JUROR USAGE AND MANAGEMENT

1. DETAILS OF JUROR SELECTION

- Lists to be used--computer services and assistance
- Qualification process--excuse granting, disqualifications, exemptions
- Summoning process--excuse granting, disqualifications, exemptions
- Paperwork involved
- Forms used--delivery of services
- Information provided at qualifying and summoning period
- Records
- Numbers called and retained
- Adjustment of numbers to those needed

2. DETAILS OF JUROR USAGE (SERVICE)

- Check-in and reporting procedures
- Terms of service
- Jury fees
- Reporting in--pool/nonpool
- Jury pool administration
- Selection within pool--randomization
- Return of challenged, individual versus group
- Panel formation and delivery to courtroom
- Panel sheet information--xerox of cards
- Voir dire procedures
- Size of panels
- Frequency of unused panels
- Multiple voir dire--assignment day
- Voir dire times
- Size of juries
- Segregation of juries from public
- Deliberation rooms
- Termination of service
- Service diplomas--recognition
- Exit service interviews
- Exit questionnaires
- Fee and expense payment
- Employer notification
- Terms of service
- Orientation

- Films for orientation
- Assembly room facilities
- Release during intervals of non-use
- Telephone call in--codaphone
- Temporary excuse procedures

3. DETAILS OF JUROR ATTITUDES

- Adult treatment of jurors
- Roll call procedures
- Facilities for jurors
- Reading matter available
- Books--branch library features
- Canteen facilities--coffee in lounge
- Seating arrangements in lounge
- Smoking/non-smoking areas
- Television rooms--work rooms
- Telephone facilities available
- Loss of income
- Participation in voir dire
- Service as a trial juror
- Repetition frequency
- Information booth
- Information sheets
- Publicity--public schools and education

4. DETAILS OF JURY MANAGEMENT

- Plan of jury system
- Responsibilities of each participant
- Use of selection information recall, lists, etc.
- Cost of selection--policies of selection
- Prediction information availability
- Exchange of information between courtrooms and jury lounge
- Rules on panel size and time of call
- Use of usage information recall
- Jury costs involved
- Policies on release of jurors
- Flow of paper in system
- Information needed about jurors
- Cross section of population reached
- Computer versus manual processing
- Format of reporting
- Statutes affecting jury system
- Legislative liaison

SESSION 19

CONSULTATIVE ANALYSIS OF COURT IMPROVEMENTS SUGGESTED BY PARTICIPANTS

1:00 - 2:30 p.m.

Day III

TRAINING GOALS

1. Specific understanding of how one can study, analyze, and seek to implement improvements in one's own jury system.
2. Understanding of the relationship of jury system technology discussed in the Workshop to developing jury system improvements in one's home court.
3. Confidence that jury system problems can be solved through a planned course of action.

PERFORMANCE OBJECTIVES

None for this session.

METHOD

Panel discussion.

DESCRIPTION

1. Lead trainer conducts panel discussion using questions submitted by participants.
2. Participants are encouraged to question the panel members on their answers.
3. The panel will seek additional comments and suggestions from participants.

MATERIALS/LOGISTICS/AMBIENCE

1. Room large enough for plenary session.
2. Front table and chairs for members of the panel.
3. Lavalier microphone.
4. Flip chart and marker.

SESSION 20

GRADUATION

2:30 - 3:00 p.m.

Day III

TRAINING GOALS

1. Increased understanding of the value of the Workshop training in relation to participants' home court needs.
2. Increased understanding by training staff of what content and methods of training were most helpful to the participants.

PERFORMANCE OBJECTIVES

None for this session.

METHOD

Discussion.

DESCRIPTION

Lead trainer reviews the overall training goals with participants.

MATERIALS/LOGISTICS/AMBIENCE

1. Room large enough for a plenary session with 70 persons.
2. Flip chart and marker.