

Circuit Seeks to Improve Juror Experience, Jury Management

At the urging of Chief Judge Mary M. Schroeder, the Judicial Council of the Ninth Circuit established a Jury Trial Improvement Committee to study juror service in federal courts of the western states. The committee was directed to develop innovative approaches to improve the juror experience and better manage the jury system. Its preliminary report was given to the Judicial Council in May 2004.

Appointed in 2002 by the chief judge, the committee includes circuit, district and magistrate judges, criminal and civil attorneys (including a Federal Public Defender and a United States Attorney), and court administrators. District Judge Susan R. Bolton of Phoenix was selected as chair because of her past experience as a judge of the Maricopa County (Ariz.) Superior Court, which has been a leader in jury reform.

The committee has been researching how federal and state courts are handling jury related issues and what jury reforms federal courts in the Ninth Circuit should be encouraged to consider adopting. The research included a survey in which district and magistrate judges in the Ninth Circuit were asked to share their experiences with juries, and a questionnaire sent to jury administrators in the circuit to gather data on jury management practices.

The committee's preliminary report included a number of important recommendations. Most noteworthy among them was adherence to a one appearance/one trial policy, limiting how long prospective jurors could be "on call" for jury duty to a maximum of five working days. Prospective jurors

would be required to make only one appearance in court for jury selection. Those selected would serve for one trial; those not selected would be released.

In its report to the council, the committee found no standard term for jury service in the Ninth Circuit's district courts. The typical term is one month, though some courts have three-month terms and two have terms of up to one year, meaning that prospective jurors may be "on call" anywhere from one month to an entire year in order to fulfill their jury duty. "This can be a significant disruption to the potential jurors' lives," the committee reported.

The committee found that state courts that have implemented a one appearance/one trial policy have reported positive results, including increased citizen participation, fewer requests to be excused, reduced financial losses for prospective jurors, and reduced waiting times for jurors.

The committee also recommended that courts implement an interactive voice response (IVR) system that permits jurors to more easily change their jury service dates. IVRs work over the telephone and Internet. Courts



Front row from left: Dr. Bob Rucker, assistant circuit executive, and Amy Cardace, staff assistant, of the Office of the Circuit Executive; District Judge Susan R. Bolton, chair; Justice Judith McConnell of the California Courts of Appeal; and U.S. Attorney Debra Yang. Back row from left: Circuit Judge Richard Tallman; Federal Public Defender Frances A. Forsman; Retired State Court Judge Michael Brown; Chief Deputy Clerk Cynthia Jensen; attorney John R. Hannah; and District Judge Anthony W. Ishii. Not pictured: District Judge William H. Alsup, Magistrate Judge Elizabeth D. Laporte; Jury Administrator Joan Cook; District Judge Virginia A. Phillips; attorney Brian T. Rekofke; Circuit Executive Dr. Gregory B. Walters.

benefit by saving printing and postage costs and reducing the staff time previously devoted to reviewing thousands of deferral requests or responding to telephone calls.

After seeing IVRs in operation at the Los Angeles County Superior Court and the Clark County (Nev.) District Court, committee members concluded that the systems improve access to the courts, reduce demands on court staff and provide a sufficient number of potential jurors for trials.

A third recommendation was to expand the database from which

jurors are selected. Rather than relying solely on voter registration, the database could be expanded to include state department of motor vehicle lists. Courts also should consider utilizing the national change of address system. The committee found that for a minimal cost, the system can be used to significantly update and therefore improve the quality of information that is needed to contact the potential jurors.

The committee also addressed when citizens can be excused from jury service, recommending that broad excuse categories be eliminated in favor of clear

standards for what constitutes hardship and justifies granting an excuse.

In 2005, the committee will be studying ways to improve jury management inside the courthouse. Once jurors are called in for service, there are a variety of practices that courts can adopt to improve the juror experience. The committee aims to examine the juror experience with these innovations in mind and develop a set of recommendations for its second report to the courts, expected in 2005.