

Jury Service Expectations in a (Post) Pandemic World

A Pandemic Resource from CCJ-COSCA

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In June 2020, NCSC contracted with a survey research firm, GBAO Strategies, to conduct a national public opinion survey of 1,000 registered voters. The conclusions from the survey paint a number of different pictures, but it is clear that as courts grapple with the impact of COVID-19 on their continuity of operations, they must make good faith efforts to understand public concerns, particularly with respect to summoning jurors to the courthouse for jury selection. This document provides a short summary of some of the key take-aways from the national public opinion survey and provides additional insight into actions courts may take.

It's worth noting that this survey was conducted between June 8-11, 2020. The spread of the coronavirus has worsened in many states since that date. If anything, these figures may underreport current concerns about health and safety.

Health and Safety Measures

Adopt courthouse safety precautions

Americans are concerned about their safety and are reluctant to engage in activities that may put their health at risk. The survey indicates that certain basic precautions—requiring the wearing of masks, enforced social distancing practices, and other basic measures—form a baseline of expectation in this day and age. According to the survey, 2 out of 3 Americans think that all individuals should be **required** to wear masks inside a courthouse facility. That number is even greater amongst African Americans (78 percent) and seniors (77 percent). And 3 out of 4 said knowing that there will be temperature checks as part of the courthouse screening process would make them more comfortable if they had to enter a courthouse.

Communicate those precautions widely

Americans expect courts to take these sorts of precautions, but they don't necessarily know what your court is doing—unless you tell them. Engage in a systematic and vigorous public education campaign to be sure that individuals in

your community are made aware of the safety precautions you have adopted. Use visuals to tell your story when possible. Post information to your court's website that is clear, concise and available in multiple languages. Here are some good examples of proactive communications from the trial courts in Arizona, including [this video](#) from Pima County, and this [newspaper story](#) from Maricopa County.

Meet or exceed those expectations

Once you have established your procedures and communicated about them, nothing could be more important than following through. Public trust is fragile, particularly with some of the more vulnerable communities that will be summoned. Be sure that you have policies and procedures in place to consistently enact and enforce the safety protocols you have adopted.

Likely Impacts on the Jury Pool—and Remote Alternatives

Will it be harder to get a representative pool?

Our survey reveals that attitudes to reporting for jury service in the time of a pandemic vary by demographic groups. While it is impossible to predict who will or will not appear when summoned, the demographic trends in the survey do offer some hints. For instance, our survey found that younger white men are by far the most likely to feel safe reporting, whereas older women—both white and African American—are the least likely to feel safe reporting. As the pollster said: “(There are) clear demographic dividing lines that could skew the representativeness of any jury poll as courthouses reopen.”

Familiarity with the court may not matter

The survey also revealed that there was no difference in intention to report between those who had previously reported for jury duty, served on a jury, or been in their local courthouse for any reason within the last five years. In other words, familiarity with the physical building or the process does not make potential jurors any more likely to report.

Consider a remote jury selection option

While your court may not yet be ready to conduct a full jury trial remotely, you may wish to consider remote jury selection in order to overcome some of the health and safety concerns currently at the front of people's minds. The survey provides some data that suggests that offering remote services will be embraced, particularly in the time of a pandemic. Overall, 72% said they would be likely to use video conferencing technology to report for jury duty. The survey also found that 85% report having internet service in their home, including 79% of who said they had broadband service. Some jurisdictions have also experimented with conducting in-person jury selection in non-traditional venues, like school gymnasiums, community colleges, or other locations where social distancing is easier to achieve.

For full survey details, visit ncsc.org/survey