

**AN EVALUATION OF THE ONE-WEEK, ONE-TRIAL JUROR TERM OF
SERVICE FOR 17TH CIRCUIT COURT FOR KENT COUNTY, MICHIGAN**

Institute for Court Management
Court Executive Development Program
Phase III Project
May, 2004

Terry F. Holtrop
Case Management Manager
17th Judicial Circuit Court
Grand Rapids, Michigan

TABLE OF CONTENTS

Abstract.....	i
Introduction.....	1
Description of the Current Jury Trial System.....	6
Review of Relevant Literature.....	10
Methodology.....	17
Jury Community Representation Survey Form used prior to 2003.....	24
Jury Community Representation Survey Form used in 2003 to present.....	25
Findings.....	28
Table 1- Gender, race/ethnicity of jurors.....	30
Table 2 – Gender, race/ethnicity of jurors.....	31
Table 3 – Jury fees paid.....	33
Table 4 – Comparison of 2001 and 2002 jurors.....	35
Table 5 – Juror utilization.....	36
Table 6 – Survey instrument results.....	38
Conclusions/Recommendations.....	46
Bibliography.....	57
Appendices	
Appendix A – Survey instrument – cover letter and Judges questionnaire	
Appendix B – Kent County Jury Commission Minutes with attachments, June, 2002	
Appendix C – Kent County Jury Commission Minutes with attachments, July, 2002	
Appendix D – Zip Code Representation spreadsheet	
Appendix E – Comparison of Juror Occupations spreadsheet	

ABSTRACT

Since the implementation of the one-week, one-trial term of jury service in the 17th Circuit Court of Kent County, Michigan in January, 2002, there has been no post-evaluation of its effects on the diversity of the jurors summoned (jurors who are representative of the community, not only minority representation), or the effectiveness of juror utilization. In this research effort, the question of whether the Court's objectives in implementing the one-week, one-trial term of service were met will be answered.

The research methodology that was used included Questionnaires for Judges, Attorneys, and court staff; data from the jury management system; interviews; and research literature. The policy decisions that led to the adoption of the one-week, one-trial term of service were also examined.

Based on comments from Judges, Attorneys, Administrators, Jury Commissioners, other Court staff, articles written in the local newspaper, and also a study done by G. Thomas Munsterman, the Director of Jury Studies for the National Center for State Courts, I believe it can be determined that there has been an increase in the diversity of the jurors summoned, but that the jurors who appear are not being used effectively and efficiently.¹

Based on this study, conclusions will be presented and recommendations made proposing the steps that will be necessary for the Court to implement a one-day, one-trial term of service, identifying potential areas of improvement in increasing the diversity of jurors summoned, and identifying ways to utilize more effectively and efficiently jurors who appear.

¹ Jury Management Study, Kent County, Michigan, Revised July 1, 2003, G. Thomas Munsterman

The advantages and disadvantages to the Court and to the summoned jurors of implementing those improvements will also be discussed.

INTRODUCTION

Prior to January, 2002, jurors who were summoned for jury service for the 17th Circuit Court of Kent County, Michigan were required to serve for a one month, on-call term of service. If jurors were summoned to appear for service and empanelled on a jury trial and that trial was completed before their term of service was up, their name would be put back in the pool and they could be randomly selected for another jury trial.

There are several problems that fall into three categories listed and identified (but certainly not all-inclusive) with a one-month, on-call term of service:

1. Poor jury yield (caused by the number of people exempted, excused or granted shortened terms due to hardship or inconvenience).
2. Poor representation (caused by disproportionate numbers of minorities being excused or failing to appear due to hardship).
3. Inequitable burden in terms of financial hardship on those who are able to serve and on their employer(s).

In 1998, David R. Drain, the Deputy Court Administrator for the 17th Circuit Court for Kent County, Michigan, did a Phase III Project on the feasibility of one-day, one-trial jury service in Kent County, Michigan.² Some of the concerns that were expressed about implementing the one-day, one-trial term of service were: whether or not additional staff would be needed in the Jury Division; the increase in the costs incurred by the Court in supplies, postage, and number of jurors summoned; being able to accommodate more jurors on a daily basis; the loss of the seasoned juror; more time

² A Feasibility Study of a One Day/One Trial Jury Service in Kent County, Michigan, David R. Drain, (Revised July, 1998), an ICM-CEDP Phase III Project

spent on orientating jurors on a weekly basis versus every month; jurors called and not used; and confusion in implementation of this service.

After an evaluation of statistical data and feedback from judges and attorneys, it was determined that the Court should implement an interim step of having a one-week, one-trial term of service instead of the one-day, one-trial, and that the Court would continue to evaluate juror usage and technological, financial and personnel issues related to that change, with the option of re-evaluating the possibility of the one-day, one-trial jury service at a future date.

In January, 2002, the one-week, one-trial term of jury service was implemented and since that time, there has been no evaluation of whether or not the objectives were achieved in implementing a one-week, one-trial term of service, e.g. more diversity in the juror pools and efficient use of juror resources.

This reduced term of service was expected to lessen the inconvenience of the prospective jurors and increase the number of participants from the community.

The one-week, one-trial system was expected to use approximately 14,000 jurors per year, increasing the community participation and eliminating the need for jurors to reschedule for a variety of reasons.

A one-week, one-trial term of service would mean that:

- Jurors who were summoned would be on-call for no more than a week, if not selected for a trial. If selected to sit on a trial the jurors would serve for that trial only and then be dismissed from service.
- Jurors who were called to service would only be expected to be available for jury selection on Monday through Friday of the week that they were called. If

on Monday they were selected to sit on a trial that lasted two days, their jury service would be complete at the end of deliberations for that trial. If selected for a trial that was expected to last two weeks, service would be complete upon completion of deliberations for that trial.

- Jurors who were not selected for a trial would complete their term of service on Friday. A new term would start on the following Monday.
- Jurors would not be expected to come to the courthouse all week long. A “call- in” process would be used to notify jurors when to report.
- Juror excuses would be reduced. Because the inconvenience on the general public was dramatically lessened by the new term, requests for financial hardship, personal hardship and employer hardship would not be entertained.
- Jurors could request a deferral of jury service to a more convenient week if they were summoned on a planned vacation week, or had prior commitments that they were not able to change.

The measurable objectives of this project are examined in a number of statistical reports and in a narrative explanation that will identify:

1. Whether the expectations of implementing the one-week, one-trial have been met.
2. Whether the number of jurors being excused has been reduced.
3. Whether there has been an increase in diversity in the juror pools (diversity meaning not only minorities but also representative of the community).

4. Whether there has been a recognized cost saving by reducing the term of service (although this was not one of the main objectives in reducing the term of service).
5. Whether jurors who appear for service have been utilized effectively and efficiently, e.g., calling in jurors and not using them for voir dire.
6. What the opinion of the users is (Judges, attorneys, court staff) about the one-week, one-trial term of service and the proposed one-day, one trial term of service.

Potential areas of improvement will be identified by proposing steps to implement a one-day, one-trial term of service and discussing the advantages and disadvantages to the Court and to the jurors of making those improvements.

This report will provide a *Description of the Current Jury Trial System* that is being used in the 17th Judicial Circuit Court. This description will include the calendaring system for the 6 Circuit Court Judges who routinely conduct jury trials. This report will also discuss the technology upgrade that occurred, and the consolidation of the staff into a new courthouse that occurred when the Legislature mandated that there should be a consolidation of the Circuit Court and the Juvenile Court.

In the *Review of Relevant Literature* section, the practical implications of this report will be discussed, and also the advantages and disadvantages of shorter terms of service. The literature will be described that discusses whether or not those advantages and/or disadvantages actually occur.

In the *Methodology* section, the survey instrument (questionnaires) that was given to select Judges, a random group of Attorneys, and court staff will be discussed. Data

analyses will be provided that was retrieved from the Jury Management system, and comparisons between the year 2001 prior to one-week, one-trial and 2002 after the implementation of the one-week, one-trial will be discussed. Feedback that was received from an interview with the Court Services Administrator from the 9th Circuit Court located in Kalamazoo, Michigan will be provided. An evaluation of jury costs will also be provided.

In the *Findings* section of this report, questions identified as measurable objectives will be answered, such as, if the number of jurors that were excused was reduced; if there has been an increase in the diversity of the juror pools; and if jurors are being used effectively and efficiently. The results of the survey instruments that were given to Judges, Attorneys and court staff will also be discussed.

Finally, in the *Conclusions/Recommendations* section, findings will be summarized, and recommendations will be made for implementing the one-trial, one-day term of jury service, and recommendations will be made for improving the effective and efficient use of our jurors.

DESCRIPTION OF THE CURRENT JURY TRIAL SYSTEM

The Scheduling Division of the Case Management Department of the 17th Circuit Court of Kent County, Michigan schedules jury trials on Monday through Friday of each week for six Circuit Court judges, for six judges who represent the Family Division of the Circuit Court, and for one Probate Judge.

The six Circuit Court judges are on a Civil/Criminal rotation, eight weeks on Criminal and four weeks on Civil. Civil/Criminal trials are typically scheduled on Monday through Wednesday. On *Mondays*, when high profile and capital/non-capital felony jury trials are scheduled, approximately 40-45 jurors are brought in for each of the four judges on criminal rotation. On *Tuesdays*, approximately 35 jurors are brought in for each of the four judges and on *Wednesdays (and Thursdays if necessary)*, approximately 30 jurors are brought in for each of the four judges. For Civil trials, approximately 30 jurors are brought in on *Mondays, Tuesdays and Wednesdays* for the two judges on the civil rotation.

Very few child protective jury trials are scheduled, and very few of the delinquency jury trials that are scheduled actually end up going as trials, because the majority of the juveniles plead on the day of trial. In 2002, four child protective jury trials were held, five delinquency jury trials were held, and no Probate jury trials were held. Because of the low number of Family Division and Probate jury trials held, extra jurors are not typically brought in for the judges representing the Family Division.

In 1998, a new automated jury management system (JMS) was implemented from Omni-Tech Systems.³ It was anticipated that this new JMS would assist from a

³ Jury Management System is a product of Omni Group of Companies, Surrey, British Columbia, Canada, which is now known as ACS (Affiliated Computer Systems)

technological standpoint with the implementation of the one-day, one-trial term of service. It was also anticipated that the JMS would assist with changing the procedure for summoning jurors from a two-step process of qualifying and then summoning those qualified jurors to a one-step process of sending out a Jury Personal History Questionnaire that, when returned to the court, would determine qualification at the same time.

From the time of the implementation of the JMS in 1998 to early in 2001, updating and loading of the State File into the database of JMS was performed by Affiliated Computer Systems (ACS), for a fee. In 2001, the Kent County Information Technology Department (IT) began a project using County IT staff to move that process from a Sybase database to an Oracle database. The significance of this change in databases will be presented later in this report.

In September, 2001, the staffs of the 17th Circuit Court and the Kent County Juvenile Court were consolidated into the 17th Circuit Court Family Division and relocated into a new Kent County Courthouse, which helped lessen the concerns of implementation, administration, and accommodation of implementing the one-week, one-trial term of service. Those concerns were lessened for several reasons:

1. In the old courthouse for Circuit Court, jurors were crammed into a relatively small assembly room located on the 4th floor that accommodated 100 jurors. At the courthouse for the Juvenile Court (which was located approximately three miles from the Circuit Court courthouse) when jurors were needed, the Jury Clerk would send 20-30 jurors to that location. They would be put in a very small waiting room until they were needed for voir dire and then packed

into a very small courtroom. The Jury Assembly Room at the new courthouse accommodates 200 jurors relatively comfortably and it is located on the 1st floor of the building.

2. Prior to combining the staffs of the Juvenile Court and the Circuit Court, an evaluation of the staff and their responsibilities was done. It was very clear that in order to implement a one-week, one-trial term of service, additional staff would be needed in the jury office. Prior to the one-week, one-trial implementation, there was 2 full-time staff in the jury office with a floater clerk who assisted as necessary. After it was decided to implement the one-week, one-trial term of service, a 3rd full-time person was added to the jury office to assist with data entry and phone calls.
3. Along with the implementation of one-week, one-trial in 2002, a new automated Jury Information Line was implemented to assist the jurors in getting information about their term of service and answering the many questions that they had about serving as a juror.⁴
4. As anticipated, the JMS was able to assist with the implementation from a technological standpoint. Prior to the JMS, the jury office utilized an in-house computer system that was designed by our County Information Technology Department. The JMS was able to provide much more information and was much easier to use and faster.

⁴ DAISI IQ SYSTEM, Dallas, Texas

Since the implementation of the new JMS, there is a wealth of information that can be retrieved about juror usage, e.g. number of jurors summoned, number of jurors attended, excused, disqualified, deferred, undeliverables, FTA's, comparison of juror occupations, number of trials scheduled and voir dres begun, and much more information that can and will be used for this project.

REVIEW OF RELEVANT LITERATURE

Numerous articles, publications, and books have been written regarding reducing the length of jury service. Much has been written about the benefits of one-day, one-trial service, as well as one-week, one-trial. It was hard to determine where to start reading because of all the information that is available. Many, many states and even many counties within Michigan have reduced the length of jury service for any number of reasons, but primarily because it benefits the citizens.

A work group and a review work group made up of attorneys, administrators, Judges, Jury Clerks, Jury Commissioners, County Clerks, and a Senator established the standards for juror use in Michigan in 1998.⁵ These work groups modeled their standards after nationally accepted standards.⁶ The goals in setting standards in Michigan were to reduce juror inconvenience; provide a safe and secure environment for jurors; to provide compensation and other accommodations to ensure that all participate and that the experience would not be financially or otherwise prohibitive; to provide a positive experience; to ensure that jurors called to serve were representative of the community; and to ensure that jury service was distributed in a fair manner to all citizens. These work groups also felt that the jury system would be enhanced through the use of technology and ongoing reviews. It was recommended that, depending on the size of the county, a term of service should be upon the completion of one trial, or if not selected for a trial, service should be one day. However, they also recognized that a term of service of one week or the completion of one trial was also acceptable.

⁵ Standards for Juror Use and Management in Michigan, Recommendations of the Jury Management Work Group as Revised by the Review Work Group, December 10, 2001

⁶ Standards Relating to Juror Use and Management, American Bar Association Judicial Administration Division Committee on Jury Standards (1993).

Historically, courts throughout the United States and the world have struggled with the issue of how to increase juror diversity.⁷ The 17th Circuit Court is no exception. As noted in a study done in 1994 by interns from City High School in Grand Rapids, Michigan, with the assistance of their teacher, Mr. Wayne Bentley, their report revealed that a very small percentage of the jury pool was made up of minorities compared to the overall population for Kent County.⁸ Several recommendations were made by the students for increasing the diversity of the jurors, including adding voter registrants into the mix of drivers licenses and state ID's from which to select jurors; suggestions about how to handle undeliverable and non-responded questionnaires; and increasing juror pay. For any number of reasons, the Court did not implement those suggestions at that time but these issues continue to be discussed at Jury Commission meetings and will be discussed later in this study as areas for potential improvement.

It is important to note that prior to the start of this project and after the implementation of the one-week, one-trial term of jury service, the Jury Division of the 17th Circuit Court of Kent County came under intense scrutiny by Mr. Wayne Bentley of the Kent County Jury Commission because of the lack of minority representation in the jury pools. A study by G. Thomas Munsterman of the National Center for State Courts was commissioned after the County discovered a data processing error that reduced the minority representation on panels of prospective jurors.⁹

⁷ Generations, Age Groups, and Jury Service: Does Age Matter, publication by Robert Boatright (2000)

⁸ City High Study, Report: Minority Participation in the Jury Selection Process 1994:8

⁹ Jury Management Study, Kent County, Michigan, G. Thomas Munsterman (Revised July 1, 2003)

After the error was corrected, the minority representation, especially the African American representation, was reported as not only being noticeably better, but also better because of an in-house survey form that was developed and implemented that showed there was an increase in minority representation in the jury pools. These forms and their use are discussed later in this report. Mr. Munsterman completed his study in August, 2003 and he reported that Kent County was taking steps in the right direction to improve minority representation in the jury pools.

There have also been many articles written regarding the many ways jurors can be used effectively and efficiently. Automation plays a key part in efficient use of jurors with the use of the Jury Information Line. Jurors can call this line and get information on when to serve, how to dress, where to park, how to ask for excuses and deferrals, etc., without having to wait to talk to an agent in a jury office.

The Colorado Supreme Court emphasizes that jurors who appear for Jury Service should be provided every opportunity to “fit into the process” as quickly as possible by orientation methods.¹⁰ Time permitting, orientation in our court takes approximately 30 minutes and is provided by the Jury Clerk, who does an excellent and thorough job of making the jurors who appear feel comfortable and secure and reducing their stress and anxiety prior to going to the voir dire process. Many jurors comment that they don’t totally understand what she is talking about when they are in the Jury Assembly room, but when they get to the voir dire process, they remember what they have been told and they are more at ease.

¹⁰ With Respect to the Jury, A Proposal for Jury Reform (February, 1997)

An initiative in New York suggests that courts should lengthen the time of summoning from 12 months to 24 or perhaps 48 months.¹¹ For some reason, some citizens are summoned every year (many within days of the 12 month time period) and most of them are not happy about having to return so soon, if at all, when their spouses, relatives and neighbors are never getting summoned at all. It is very hard to explain the random selection process to those jurors who are summoned more than once in a lifetime who don't want to serve. Perhaps lengthening the time of their next eligibility would help somewhat to ease the frustration.

There are numerous articles, books, publications, etc., about the advantages and disadvantages of a shorter term of service but they all primarily come down to those listed in a book by G. Thomas Munsterman that gives the main advantages and disadvantages.¹² The advantages of shorter terms (paraphrased) are listed as:

- **Broader participation:** More citizens will be called to serve and with more people serving, the usually positive experience of jury duty is distributed across a greater portion of the population.
- **Fewer excuses:** The number of excuses can be reduced when terms of service are reduced because there is less hardship for the juror and the employer. Those who would normally be granted an exemption (doctors, lawyers, self-employed) with a longer term of service, should now be able to serve.
- **Reduced Financial Loss:** For individuals who are not being paid a salary while serving on jury service, their financial loss is still reduced by having

¹¹ Jury Reform in New York State: A Second Progress Report on a Continuing Initiative (March, 1998), p.8

¹² Jury System Management, G. Thomas Munsterman (1996)

a shorter term of service. For those employers who pay their employees while they are on jury service, the loss would also be reduced.

- **More Certainty:** Uncertainty of having to be available is reduced with a shorter term of service.
- **Reduced Availability Monitoring:** With longer terms of service, it is more tedious for court staff to maintain a list of those jurors who will not be available at different times throughout their term of service for vacation, travel, or business, medical or personal reasons, and more jurors have to be available for those who are not able to serve a longer term of service for those reasons. With reduced terms of service, if a scheduled time of service is not convenient for the juror, they may simply defer to another time when it is convenient.
- **Reduced Waiting:** For longer terms of service, it is inevitable that a juror would have to spend more time waiting in an overcrowded, uncomfortable jury assembly area. Reduced terms would reduce waiting times.
- **Juror Voting Records:** With a longer term of service, a juror would more than likely have the opportunity to serve on more than one trial. Attorneys may maintain records on a juror's performance and exercise the preemptory challenge to exclude those considered to be conviction-prone, acquittal-prone, too generous, or too stingy. With short terms of service or one trial, that concern would be less of a worry for the attorneys.

The disadvantages of shorter terms are listed as:

- **More People Are Needed:** There may be more effort needed administratively and more costs involved. However, the effort and the cost could be offset by more efficient use of jurors and an automated, one-step process of summoning and qualifying.
- **Frequent Orientation:** With new groups of jurors reporting more frequently, the number of orientation activities increases. However, an orientation video that was relevant to the specific court would be a way to avoid having a Jury Clerk spend time every morning orientating new jurors.
- **Seasoned Jurors:** It is the opinion of some people that jurors become more conviction-prone after sitting on many cases, and others suggest that jurors with prior experience deliberate more quickly. Evidence on the effect of prior jury experience on verdicts indicates that verdicts are affected only when a majority of the jury has prior criminal trial experience.¹³ Data collected from several courts implementing a shortened term of service from several weeks to one trial/one day do not show any reduction in conviction rates.¹⁴ To ensure consistency in verdicts, persons should only be required to sit as a juror in one case and then be dismissed from service.
- **Poor Administration/Reduced Participation:** A disadvantage of short terms of service is that the probability is reduced that a person will

¹³ R.C. Dillehay and M.T. Nietzel, "Juror Experiences and Jury Verdicts," *Law and Human Behavior*, 9 (1985), p. 179.

¹⁴ *Center for Jury Studies Newsletter*, 3:3 (1981), 2-4, and 4:5 (1982), 5.

participate in a voir dire or be selected as a juror. If the juror use is poor, this probability is further reduced.

- **Cheapens Jury Service:** There are some who feel that a short term of service, particularly one day/one trial, reduces the noble nature of the experience and diminishes the importance of the task in the juror's eyes and that in calling more people to serve as jurors, the process becomes less dignified. Although this could occur, the experience with short terms of service does not support this concern. The change to a short term requires the court to carefully review its procedures because more new people are coming into the system. The result of this review often results in more concern for the individual and a better orientation.

There are those who would support the one-day, one-trial policy, but state that it is not a cure-all. Some people have the opinion that unless there is reform with preemptory challenges, the system is still weak. I believe that is the subject for another Phase 3 project.

METHODOLOGY

The first method that was used was a survey instrument in the form of questionnaires for the six Circuit Court judges, for the Prosecuting Attorney and his staff, the Director of Public Defenders Office and his staff, private bar attorneys, several indigent defense attorneys, and the Senior Jury Clerk of the 17th Circuit Court. Each participant was asked to respond to five or six questions regarding the current attributes of the one-week, one-trial service and the anticipated attributes of the one-day, one-trial jury service. The questionnaire was preceded with a cover letter that explained the breadth and depth of the project to the participants. Because this was a follow-up study to the Phase 3 Project done by Mr. Drain, the questions that were used for the survey instrument were similar to those he used in 1998. The cover letter and Judge's questionnaire are included as **Appendix A**.

The questionnaire for the Judges was pre-tested by giving a draft to the Chief Judge of the Circuit Court and by e-mailing a draft to my 2003 Phase 3 CEDP classmates. The questionnaire for the attorneys was also pre-tested by giving a draft to the Deputy Court Administrator and also to my Phase 3 classmates. Once feedback was received from my classmates and the approval of the Chief Judge and Deputy Court Administrator was received, a revised questionnaire was given to the Judges, and the questionnaires were mailed for each of the Attorneys that included a postage-paid return envelope.

On all the questionnaires it was indicated that there were time constraints that had to be dealt with and so all respondents were given no more than 2 weeks to respond. Unfortunately, the initial response rate was very low, which, I understand, is not unusual.

Initially, 12 questionnaires were mailed to a random group of indigent defense court-appointed counsel and attorneys from the private bar. Only six questionnaires came back by the first indicated return date. Another seven questionnaires were mailed to another group of indigent defense court-appointed counsel and the private bar. Those in the first group that had not responded were re-noticed either by way of phone or re-sending the questionnaire. A total of 11 responses were received from the indigent defense court-appointed counsel and the private bar.

Two of the six Judges responded immediately, and three more responses were received after I personally followed up with those Judges. One Judge did not respond to my questionnaire.

A questionnaire was also sent to the Prosecuting Attorney for Kent County and to the Director of the Public Defender's Office. They were asked if they would distribute copies to their staff. Responses were received from the Prosecuting Attorney and nine of his staff and from the Director of the Public Defender's Office and five of his staff.

A questionnaire was also provided to the Senior Jury Clerk, Gail VanTimmeren, which was similar to the questionnaire that the Judges received. Ms. VanTimmeren has been with Kent County since 1980 and has served in both District and Circuit Courts and has been with the Circuit Court since November, 1995, as the Senior Jury Clerk. Because Ms. VanTimmeren has always been actively involved in the orientation of the jurors and assisting Judges in getting jurors to the courtrooms, and because she was instrumental in assisting me with the changes that occurred in 2002 in going from the 30-day term of service to the one-week, one-trial term of service, it was felt that she would have valuable information to share about her experiences and good feedback to provide for the

advantages and disadvantages of proposing implementation of a one-day, one-trial term of service.

Each participant was given a list of five questions that related to the one-week, one-trial term of service and one-day, one-trial term of service. The Judges had an additional question of how the one-week, one-trial term of service benefited the Court. In Question 1 they were asked, on a scale of 1 to 5 (5 being the most positive and 1 being the most negative) to rate whether or not the present one-week, one-trial jury service had been a positive, negative, or neutral experience for them and why. In Question 2 they were asked what they felt the strongest attribute of the one-week, one-trial term of service was. In Question 3 they were asked what they felt the weakest attribute was. In Question 4 they were asked if they felt any additional benefits would be gained by implementing one-day, one-trial term of service. In Question 5 they were asked whether or not they felt that the diversity of the jurors appearing had increased since the implementation of the one-week, one-trial term of service for jurors.

The qualitative responses from the participants of this survey will be evaluated in the Findings section of this report.

Another form of methodology that was used was to gather informational statistics from the Jury Management System. From the statistics, graphs and charts that follow in the Findings section, it will be shown whether or not there has been an increase in minorities; whether or not there has been better representation from a cross-section of the community; whether or not jurors are being used effectively and efficiently.

Statistics and information will be provided in the Findings section that shows that there has been an increase in minorities. As stated earlier, this has been an ongoing issue

between the Jury Commissioners, the Jury Representation Committee of the Grand Rapids Bar Association, and the County since approximately 1992. One of the main reasons it was felt that minorities were not being represented in the jury pools was because it was too much of a financial hardship on them when the one-month term of service was in effect. It was also felt that minorities, for whatever reason, moved frequently from one location in the City to another location in the City, resulting in a disproportionate number of undelivered summonses, thereby skewing the jury pools.

It was agreed upon at one time that a remedy for undeliverable summons was the “zip code plus four” method, whereby for every Summons and Questionnaire that was returned, another Summons and Questionnaire would be mailed to an address within that same census tract using the last four digits of the zip code. Apparently this remedy was in place for a period of time but was discontinued by court administration because of timeliness and resource issues.

With the implementation of the one-week, one-trial in January, 2002, it was felt that this also would help with increasing minorities in the jury pool. With feedback received from jurors, Judges, Mr. Bentley and selected students from City High Middle School, court staff, and others, it was determined on or about June, 2002 that there, in fact, was not a noticeable increase in the amount of minorities who were being summoned to appear. At a Jury Commission meeting that was held in June, 2002, Mr. Bentley presented a draft report on the lack of minorities in the 17th Circuit Court jury pool. The minutes from the Jury Commission meeting and Mr. Bentley’s attachments are included in this report as **Appendix B**. In general, it dealt with statistics on the drivers’ license list that was received from the Secretary of State’s office and statistics and

formulas for jurors summoned to serve from 2 different zip code areas. His report presented disparities in the number of citizens who should have been summoned from an area of the City where there was a large concentration of minorities (zip code 49507) but it appeared that those citizens were not being included in the random selection process.

At a Jury Commission meeting that was held in July, 2002, Mr. Bentley again presented statistics and information that focused on comparing the number of Circuit Court jury summons selected for mailing to the area of the City where the largest concentration of minorities was from (49507) and to an area outside the City but within the County where there was a minimum concentration of minorities (49341). The Jury Commission Meeting minutes and attachments are included as **Appendix C**. A sample of weekly names selected for summons mailings from April, 2002 through July, 2002 averaged 1.5% from the 49507 area and 11.1% from the 49341 area. There were allegations that this was an intentional systematic flaw in the system, but this was determined not to be true.

At a Jury Commission meeting that was held in August, 2002, the Kent County Information Technology Department made a presentation that clearly showed that when the process of changing databases for the JMS was implemented in 2001, a mistake had been made in the database configuration. An incorrect parameter “told” the software that the total available pool size was only 118,169 individuals, when, in fact, it was 453,981 names that were on the list provided by the Michigan Secretary of State’s office. Thus, the error in the database was the reason that there were fewer minorities appearing in the jury pool, at least since 2001. Prior to that, I believe that the longer term of service and the discontinuance of the “zip code plus four” method were significant factors in why

there were so few minorities represented in the jury pool. The County IT Department corrected the database problem and upon further testing, they found that the new jury pulls were totally on target and safeguards were in place to prevent that from happening again.

Also in August, 2002, G. Thomas Munsterman was contracted through the Michigan State Court Administrative Office (SCAO) to do an evaluation of the County's jury selection process. After holding interviews with Judges, court staff, staff from the State Court Administrators Office, Jury Board of Commissioners, members of the Jury Representation Committee of the Grand Rapids Bar Association, and Kent County IT staff, Mr. Munsterman presented the results of his study in August, 2003. He determined that changes in the Kent County jury selection system had resulted in improved jury demographics, including more than doubling the number of prospective African American jurors since August, 2002. Mr. Munsterman also recommended that the Court update its Jury Community Representation Survey form to separate the race and ethnicity questions. The forms on the next two pages show the difference between the survey form that was used in 2001 and 2002. The first form is the one used in 2001 and the next form is the revised form based on Mr. Munsterman's recommendation. This survey is given to jurors who appear for jury service on their 1st day of service only. If they appear for service on a second or third day, they are not asked to fill this out again. Although the jurors who appear are not required to fill out this survey form, each juror is given one of these forms and strongly encouraged to complete it. As will be noted in the Findings section of this report, the response rate has been very good from those who appear. The Jury Clerk will watch and assist the jurors as they fill out this form, but there are some

who choose not to complete it, or enter an incorrect zip code, or do not fill it out completely, and so those surveys are not included.

(This form was used prior to the completion of Mr. Munsterman's study)

**17th JUDICIAL CIRCUIT OF MICHIGAN
FOR THE COUNTY OF KENT**

JURY COMMUNITY REPRESENTATION SURVEY

(FOR COURT USE ONLY TO DETERMINE REPRESENTATIVENESS OF JURY PANELS)

Date of Service: _____

PLEASE CHECK APPROPRIATE BOXES:

Sex: ☐ Male ☐ Female

Race/Ethnic Group:

- ☐ **Black:** A person having origins in any of the black racial groups of Africa.
- ☐ **American Indian or Alaskan Native:** A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- ☐ **Asian or Pacific Islander:** A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. These areas include, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.
- ☐ **Hispanic:** A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- ☐ **White:** A person having origins in any of the original peoples of Europe, North Africa or the Middle East.
- ☐ **Multiracial:** A person having parents of different races.

THANK YOU FOR YOUR COOPERATION.

(This form was implemented after Mr. Munsterman's study)

**17th JUDICIAL CIRCUIT OF MICHIGAN
FOR THE COUNTY OF KENT**

JURY COMMUNITY REPRESENTATION SURVEY

(FOR COURT USE ONLY TO DETERMINE REPRESENTATIVENESS OF JURY PANELS)

Date of Service: _____

Home Zip Code: _____

PLEASE CHECK APPROPRIATE BOXES:

1. **GENDER:** ☐ Male ☐ Female

2. **RACE:**

- ☐ **Black:** A person having origins in any of the black racial groups of Africa.
- ☐ **American Indian or Alaskan Native:** A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- ☐ **Asian or Pacific Islander:** A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. These areas include, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.
- ☐ **White:** A person having origins in any of the original peoples of Europe, North Africa or the Middle East.
- ☐ **Multiracial:** A person having parents of different races.

3. **ETHNIC GROUP**

Are you Hispanic? ☐ Yes ☐ No

THANK YOU FOR YOUR COOPERATION.

Another method that was used was to interview the Court Services Administrator of the 9th Circuit Court of Kalamazoo, Michigan, Ms. DeVona Lange. A telephone interview was conducted with Ms. Lange on November 21, 2003. This court implemented a one-day, one-trial term of service in 2003. Although the 9th Judicial Circuit is not as large as the 17th Judicial Circuit, the issues, concerns, advantages and disadvantages would be similar. There was not enough time for me to determine how many courts in Michigan have one-day, one-trial, but in a quick poll of District and Circuit Courts, it appears that many more District Courts than Circuit Courts have implemented a one-day, one-trial term of service. The other terms of service range anywhere from two days of service up to six weeks of service, depending on the size of the court.

Ms. Lange stated that one of the main reasons that they had recently implemented a one-day, one-trial term of service was that based on a recommendation from the Michigan State Court Administrators Office, their court had recently implemented a plan whereby there was concurring jurisdiction between the District Court and Circuit Court, and the District Court already had a one-day, one-trial term of service in place, so they decided to continue that procedure. Another big reason was that the jurors seemed to love having to serve on only one trial or to be at the courthouse for only one day if they were not selected for a trial.

Ms. Lange also noted that they had not been doing the one-day, one-trial long enough to determine if there had been any cost savings.

Ms. Lange was asked how orientation was handled on a daily basis and she stated that the Jury Coordinator gave a very brief orientation, plus the jurors were handed a

pamphlet that explained what would be in store for them. As time permitted, one of the Judges would also come and briefly talk to the jurors.

The biggest advantage that Ms. Lange saw was that it was much better for the jurors who only had to serve one day unless they were selected for a trial that lasted longer because there was less personal, financial and employer hardship.

With the assistance of the Court's Finance Manager, Paula Taylor, the costs associated with the 30-day term of service versus the costs associated with the one-week, one-trial term of service were provided. Currently, our jurors are paid \$35.00 for a full day of service on the 1st day and \$40.00 for any additional days they are required to appear. In addition, they are asked to park in a specified lot in the City where they have to pay \$1.50 to park all day and then are reimbursed their parking fees when they receive their check(s). Because of the variables involved, such as length of trials, number of trials, the area where the jurors should park and pay less and where they actually do park and pay more, etc., these statistics may not be 100% accurate. For instance, jurors are instructed to park in a lot where it will cost them \$1.50 to park all day and a bus picks them up and drops them off in front of the courthouse. If jurors are unfamiliar with downtown parking or driving in the City, or just want to park closer to the Courthouse, they often park in lots where they have to pay up to \$14.00 a day. Our policy is, and the jurors are told, that if they park in an unauthorized lot after their 1st day of service, they will not be reimbursed. The majority of the jurors park in the authorized lot, but sometimes even the authorized lot is full and jurors are forced to park in an unauthorized area. This is just one example of a variable that the Court must deal with when figuring juror costs.

FINDINGS

On pages 3 and 4 of this report, in the Introduction, six measurable objectives were identified.

The first objective identified was whether or not the expectations of implementing the one-week, one-trial have been met. I believe the objectives have been met. The original intent of Mr. Drain's study done in 1998 was to determine the feasibility of implementing a one-day, one-trial term of jury service. The thrust for the proposal was to try to increase the diversity of the jury pools. The study was considered timely because Kent County had just implemented a new automated jury management system (JMS). After evaluation of the statistical data at that time, it was determined that the court should implement a one-week, one-trial term of service. Aside from the computer glitch that was mentioned earlier, all indications are that the diversity of the jury pools has increased noticeably.

The second objective identified was whether or not the number of jurors being excused was reduced. In 2001, when I first started in my position as Case Management Manager for the 17th Judicial Circuit, one of my responsibilities was to look at all the jurors' requests to be excused. At that time, jurors were still expected to be on-call for a one-month term of service. Of the approximately 11,394 citizens who responded to the summons and questionnaire, 2,156 prospective jurors (18.9%) were excused from service in 2001 for personal, employer, and financial hardship reasons. Those jurors complained that there was just no way that they could be on-call for 30 days. In 2002, of the approximately 16,846 prospective jurors who responded to the summons and questionnaire, only 1,154 (6.9%) were excused for personal and financial hardships. I

noticed a dramatic reduction in the number of employers asking to have their employees excused and there were fewer citizens asking to be excused for personal and financial hardship reasons. Interestingly enough, there were still those who said there was no way for them to set aside one week for jury service, but after telling them that jury service really only consisted of two to three half days of service, unless, of course, they got on a trial that lasted longer, it was easier for most to accept the reduced term of service. So, as the first person to see all juror requests to be excused, I have definitely seen a reduction in not only the number of those excused but also in the number of summoned jurors asking to be excused.

The third objective identified was whether or not there has been an increase in the diversity of the juror pools (diversity meaning not only minorities but also representative of the community). In the latter part of August, 2001, this Court implemented the use of the Jury Community Representation Survey. The survey form was provided on a table at the front of the Jury Assembly Room and jurors were requested to fill out this form. The jurors were not required to do this and initially there was very little monitoring of this form. The Jury Clerk collected the forms that were filled out and turned them over to Court Administration who kept track of the results on a spreadsheet. Because of the 30-day term and the inconsistency of when new jurors appeared (some jurors served two weeks out of a four-week term, some three weeks, and not everyone necessarily showed up on a Monday) there was much inconsistency in the method. The overall response rate of those attending from August 21, 2001 to the end of the term in 2001 was less than 50%. In 2002, with the implementation of the one-week, one-trial and the implementation of the automated Jury Information Line, it appears that

the surveys were not a priority until the term that started on the week of January 28, 2002, where there was a 100% response rate.

Based on information that is received from the Jury Community Representation Survey form, a spreadsheet was implemented in August, 2001 that shows the number of jurors who appeared; the number of jurors who responded to the survey form; the makeup of the gender of the jurors who responded; and the race/ethnicity of the jurors who responded to the in-house survey in 2001, 2002, and 2003.

TABLE 1

Date	Total	Responded	Male	Female	Black	American Indian/Alaskan Native	Asian/Pacific Islander	Hispanic	White	Multi-racial	No response
2001	2,388	1,152	546 (47%)	599 (52%)	36 (3%)	1 (less than 1%)	2 (less than 1%)	8 (1%)	1,087 (94%)	15 (1%)	11
2002	11,056	7,341	3,707 (50%)	3,564 (49%)	246 (3%)	40 (1%)	147 (2%)	102 (1%)	6,771 (92%)	70 (1%)	121
2003	11,962	6,922	3,284 (47%)	3,517 (51%)	454 (7%)	47 (1%)	50 (1%)	122 (2%)	6,077 (88%)	65 (1%)	249

Based on the information that was compiled from the revised survey form that included the zip codes, the use of another spreadsheet was implemented starting the week of July 21, 2003 that shows what zip code the jurors who appeared are from, based on the majority of the approximately 37 zip codes that are represented in Kent County, Michigan. Because we just started keeping track of the representation by zip codes, there is no comparison to any other years. This chart is included as **Appendix D**.

From the table above, with the exception of 2001, another table was created that shows the response rate, gender, and race/ethnicity breakdown for just the first day of the Terms, which typically started on a Monday and the day that the majority of the jurors

were brought in because most of the trials that were scheduled were expected to start on that day.

TABLE 2

Date	Total	Responded	Male	Female	Black	American Indian/Alaskan Native	Asian/Pacific Islander	Hispanic	White	Multi-racial
2001	2,388	1,152 – 48%	546 – 47%	599 – 52%	36 – 3%	1 – less than 1%	2 – less than 1%	8 – 1%	1087 – 94%	15 – 1%
2002	6,009	5,753 – 96%	2,868 – 50%	2,822 – 49%	194 – 3%	33 – 1%	140 – 2%	85 – 1%	5290 – 92%	51 – 1%
2003	6,591	6,344 – 96%	3,048 – 48%	3,296 – 52%	386 – 6%	45 – 1%	44 – 1%	108 – 2%	5701 – 90%	61 – 1%

The table above shows the percentages of those who responded to the survey form. In 2001, there was a very low percentage of minorities represented in the jury pools, at least from the perspective of those who responded to the survey, which, as mentioned, was not strictly monitored. In 2002, the percentages were skewed because of the computer glitch that occurred between April and July, 2002, and so minorities were obviously under-represented; however, the 96% response rate to the surveys was very impressive. In 2003 this table shows that there was a 100% increase in minority representation.

With regard to whether or not there has been an increase in a better representation of the cross-section of the community, a spreadsheet was created from a Crystal Report that was developed for me by Linda Fink of the Kent County Information Technology Department. This spreadsheet is included as **Appendix E** and shows a comparison of juror occupations of those who served in 30-day terms in 2001 and one-week, one-trial terms in 2002. The asterisks represent some of the occupations where I thought the increase was the most impressive.

This spreadsheet shows 10 main groupings of employed jurors and one group of those jurors who were not considered as being employed, such as homemakers, students, retirees, etc., who actually appeared for jury service. For example, when jurors were asked to serve and be “on-call” for a 30 day term of service, it would have been almost impossible for most doctors or dentists to be available for that length of time in 2001. However, in 2002, there was a 39% increase in the number of doctors who appeared for jury service and a 100% increase in the number of Dentists who appeared for service. In 2001, most doctors and all dentists received an exemption from service. In 2001, it would have been almost impossible for most Farmers to serve on jury duty and probably most were exempted from serving. In 2002, there was a 46% increase in the number of Farmers who appeared to serve a one-week term of service. In 2001, it, again, would have been nearly impossible for a person who was self-employed to serve a one-month term of service. In 2002, there was a 37% increase in those who claimed to be self-employed and who were able to appear for a one-week term of service. It was not able, for this report, to be determined how many of these jurors who appeared actually served on a jury trial.

The fourth objective identified was whether or not there has been a recognized cost saving by reducing the term of service (although this was not one of the main objectives in reducing the term of service). The following table shows how much was paid out for jury fees, including jury-parking fees, in 2001, 2002, and 2003.

TABLE 3

2001	\$625, 574 (\$261.97 per juror)
2002	\$524,903 (\$47.48 per juror)
2003	\$580,848 (\$48.56 per juror)

This table shows a significant decrease in the amount paid out in 2001 with the 30-day term and 2002 with the implementation of the one-week term. More jurors were summoned in 2002; however, fewer had to appear and/or were used.

In 2002, when we started the one-week, one-trial, we actually spent less on jury fees than in 2001, but we summoned in more jurors. In 2001, jurors were typically serving longer periods of time, so the higher per juror payments can be expected. The average length of a criminal jury trial is two to three days. Also, as stated earlier, the number of civil trials, which typically last longer than criminal trials, was higher in 2002 than in 2001. It is hard to reflect accurately the amount paid in juror fees in our court as there are many variables that determine that fee, such as an increase in juror parking costs, length of trials and where jurors actually park. Although we have a dedicated parking area for jurors where they only have to pay \$1.50 per day and are shuttled free to the Courthouse and they are reimbursed for their parking, there are many jurors who do not park in the designated area but instead park in a lot that is closer to the courthouse and more expensive. Although the jurors are told in orientation that they will not be reimbursed for parking in the closer, more expensive lots after their first day of service, some jurors continue to park in closer parking areas and expect the court to reimburse them, and we usually do.

It cannot conclusively be shown in this report that there is or is not a cost savings by going to a one-week, one-trial term of service because there are too many other variables that may skew the jury fees.

The fifth objective identified was whether or not jurors who appear for service are being utilized effectively and efficiently. In looking at trial activity trends, the number of civil trials held in 2002 increased over 21 percent from 2001. On the other hand, the number of criminal trials decreased in 2002. One of the reasons for the decrease in the number of criminal trials was due to several Judges trying multiple-day trials, thus making them unavailable to preside in other scheduled trials.

The length of an average civil trial also increased by nearly a day and a half in 2002. The increase in length of trial, coupled with an increase in the number of civil trials, translated into the Judges spending 45 percent more time in court presiding over civil trials than in 2001. The reverse was true for criminal trials. Due to the decrease in the number of criminal trials and their length in 2002, the Judges were in the courtroom just under 38 percent less in 2002 than in 2001.

The following table shows statistics from the JMS comparing 2001 (one-month term of service) and 2002 (one-week, one-trial) terms of service:

- The number of jurors summoned in 2002 increased significantly, which we anticipated
- The percent of responded jurors remained about the same
- The percent of jurors who attended jury service increased by 6%
- The percent of jurors who were excused from service dropped by 11%
- The percent of jurors who were disqualified remained about the same

- The percent of jurors who were deferred to another date remained about the same
- The percent of undeliverable summons remained about the same
- The jurors who failed to appear decreased by 3%

TABLE 4

DATE	SUMMON	RESPOND	ATTEND	EXCUSED	DISQUALIFY	DEFER	UN- DELIVER	FTA
2001	11,844	11,394 (96%)	4,568 (39%)	2,156 (18%)	1,843 (16%)	2,175 (18%)	749 (6%)	1,675 (14%)
2002	17,578	16,846 (96%)	8,197 (47%)	1,154 (7%)	2,699 (15%)	3,142 (18%)	984 (6%)	1,924 (11%)

In looking at the top three categories, the number of those jurors who attended jury service increased and those who were excused or failed to appear decreased. From this perspective, the court is heading in the right direction as far as using jurors effectively and efficiently. ***Note*** - The figures in the Responded and Undeliverable Table above reflect more than 100% because the deferrals are also included in the Responded pools for that year, according to ACS.

In looking at how jurors were utilized and comparing 2001 and 2002, the results noted in the Table on the next page are less impressive. The figures for this Table come from a report generated from the Jury Management System from ACS. The National Standard column could be different for different courts and counties depending on the panel size used in that jurisdiction.

TABLE 5

2001			
MEASURE	FORMULA	NATIONAL STANDARD	17TH JUDICIAL CIRCUIT OVER/UNDER
% REPORTING USED	The number of persons selected for voir dire out of those attending	100% or more	42.7%
% JURORS SWORN	Number of jurors empanelled out of the total attended	50% or more	8.1%
% OVERCALL	Total in service (peak demand) over the total number in attendance	20% or less	49.8%
ZERO PANEL CALLS	The days panels were not needed over the days persons in attendance	10% or less	1%
AVERAGE PANEL SIZE	Total persons selected for voir dire versus total voir dire panels	40 or less	33
PERSONS BROUGHT IN	Total persons in attendance versus total voir dire panels	30 or less	77
2002			
MEASURE	FORMULA	STANDARD	OVER/UNDER
% REPORTING USED	Sent to voir dire versus attendees	100% or more	34%
% JURORS SWORN	Number of jurors versus attendees	50% or more	7.7%
% OVERCALL	Total in service-peak usage versus attendees	20% or less	63.4%
ZERO PANEL CALLS	Days panels not needed versus days persons in attendance	10% or less	1
AVERAGE PANEL SIZE	Total persons selected for voir dire versus total voir dire panels	40 or less	35
PERSONS BROUGHT IN	Total persons in attendance versus total voir dire panels	30 or less	102

With one-week, one-trial, the numbers that should have increased actually decreased and the numbers that should have decreased actually increased. For instance,

the number selected for voir dire versus the number of persons attending in 2002 should have been closer to 100%, (the national standard according to JMS) when, in fact the percentage of reporting jurors who were sent to courtrooms for voir dire was only 42%. The number of jurors who were in service (peak demand) versus the total number in attendance should have been closer to 20% or less. The number of jurors brought in versus total voir dire panels should have been 30 or less, but instead that number increased dramatically.

This table reflects very poor utilization of jurors who were brought in. A majority of the jurors who are brought in would rather be in the courtroom, if for nothing more than the voir dire process, than those who would be sitting around doing nothing court-related. They get “psyched up” when they are in orientation, but are frustrated by the time they leave if they’ve done nothing more than watch TV, read a book or magazine, or sit around talking to other jurors.

In 2001, the percentage of reporting jurors who were sent to courtrooms for voir dire was 42.7%. Ideally, of course, all prospective jurors should be sent to courtrooms for voir dire. It is clear that even before the implementation of one-week, one-trial, we were having too many jurors report to the courthouse. In 2002, the yield improved because of fewer excuses. We summoned and had more jurors report for service to compensate for the one-week, one-trial system that was implemented but the trial rates fell. The result, then, is that there was a further decline in the percentage of reporting jurors who were actually used. Thus, effectiveness and efficiency of juror use got worse, not better.

The last objective identified was to determine what the opinion of the users is (Judges, attorneys, and court staff) about the one-week, one-trial term of service and the

proposed one-day, one trial term of service. The Judges questionnaire is attached as **Appendix A**. The attorneys questionnaire differed only in that they were not asked Question 2 about how the present one-week, one-trial jury service benefited the Court. The majority of all groups felt that there was a definite advantage to the juror of implementing the one-week, one-trial term of service and that was the strongest attribute mentioned. The majority felt that the biggest disadvantage of the one-week, one-trial versus the one-month term of service was the loss of seasoned jurors. Interestingly enough, the majority of all groups, with the exception of the Public Defenders Office, felt that there would be no benefits to be gained by implementing a one-day; one-trial term of service. The majority in all groups stated they had noticed an increase in diversity with the implementation of the one-week, one-trial. The Table that follows shows the general responses from all the groups.

TABLE 6

Participants	#1 Advantage	#1 Disadvantage	Strongest Attribute	Weakest Attribute	One-day/one-trial	Diversity
Judges (5 responded)	Increase in citizen participation	Loss of seasoned jurors	Benefits the jurors	Increase of work for court staff	No benefits	Definite increase
Prosecutors (10 responded)	Better for jurors	Loss of seasoned jurors	Benefits the jurors	Loss of seasoned jurors	No benefits	Definite increase
Public Defenders (6 responded)	Better for jurors	Loss of seasoned jurors	Benefits the jurors	Increase in # of questionnaires that had to be looked at	Increase in diversity	Definite increase
Private Counsel (11 responded)	Better for jurors	Loss of seasoned jurors	Benefits the jurors	Loss of seasoned jurors	No benefits	Definite increase
Senior Jury Clerk	Better for jurors	None	Benefits the juror	Increase in orientation	No benefits	Definite increase

Three Judges believed that 1) there were more citizens willing to serve, 2) there has been an increase in the numbers of those who can serve, and 3) fewer citizens were asking to be excused and/or were being excused. One Judge thought the increase in numbers and those who are willing and able to serve is offset by the need to re-instruct inexperienced jurors and longer deliberation time needed by inexperienced jurors.

Of the 10 attorneys that responded from the Prosecutors office, one said it was better for the juror because of a lessened burden and jurors were more willing to be on a longer trial because they knew when that trial was finished their term of service was finished. Four of the prosecuting attorneys felt that 1) jurors are reluctant to be on a trial that lasts longer than a week, 2) jurors are less educated but it is better for the juror, and 3) it was better than one-day, one-trial but not as good as a one month term of service. Four of the prosecuting attorneys felt that 1) jurors learn less about the system, 2) one month jurors were more comfortable, better able to concentrate on a case and available for longer trials because they knew they were on-call for one month anyway, 3) one month jurors were better educated, and 4) it was better for the jurors because of less disruption to their lives, which in turn makes them more pleasant to deal with. One prosecuting attorney felt that it does all parties a disservice because it takes jurors longer to get “in tune” with what’s going on and they never gain valuable experience.

Four of the six attorneys from the Public Defenders Office thought 1) that there was a noticeable increase in minority jurors and total community representation, 2) jurors did not appear to be bored, or jaded, and 3) jurors have a better attitude about serving. One of the attorneys felt that a longer term of service allowed for better education of the jurors.

Seven of the eleven attorneys responding from the private bar and indigent defense counsel thought that the one-week, one-trial was positive because 1) jurors attitudes improved, 2) there seemed to be a better response rate from summoned jurors and fewer people who tried to get excused from jury duty, 3) it was less burdensome both on citizens who serve as well as their employers, 4) jurors were not as bored as with one month of service, 5) jurors seemed to be more attentive, less hostile, and less jaded, and 6) the jurors had heard from others in the community that it was a positive experience.

Court staff felt that there was less juror dissatisfaction because they spend less time at the courthouse and the whole experience for the majority of the jurors was better.

Three of the Judges thought that 1) it was more convenient for the jurors, 2) it reduced the personal hardship for the jurors, 3) there was an increase in the number of citizens participating, 4) there was an increase in the public trust and confidence because of increased citizen participation, 5) there were happier jurors as a result of the reduced term of service, 6) there was a reduction in the number of jurors excused or asking to be excused, and 7) there appeared to be more minorities.

The strongest attributes listed by the attorneys from the Prosecutors office were that 1) it was less wasted time for jurors, 2) jurors were more willing to serve if they knew it was a one-week, one-trial versus one month, 3) jurors were not as inconvenienced, 4) jurors liked the shortened term, 5) it causes less disruption in jurors lives, and 6) jurors are less burdened.

The Public Defenders Office attorneys felt that the strongest attributes were that 1) jurors had to deal with one trial only, 2) there was an increased representation by a cross-section of the community, 3) jurors are less cynical and hardened by multiple trials,

4) jurors were fair and unbiased, and 5) jurors had better attitudes, were more attentive and less stressed.

Strongest attributes mentioned from the private bar and indigent defense counsel were that 1) the jurors were more attentive, 2) there was a better response rate to questionnaires, 3) jurors were happier, 4) it was a manageable commitment for most jurors, 5) it represented more citizens from the community, and 6) that it kept cases moving through the system.

Court staff felt that the strongest attribute was that it was beneficially timely for the jurors.

Four of the Judges mentioned an increase in administrative work for court staff and that the jurors were inexperienced.

Attorneys from the Prosecuting Attorneys Office thought that some of the weakest attributes were that 1) jurors were less educated about the system, 2) most jurors thought that they only had to serve a week so they were not available for trials that lasted longer than a week and didn't understand why they would have to serve longer than a week, 3) it was harder to do thorough background investigations of jurors, and 4) more time was spent reviewing the new lists of jurors every week.

Attorneys from the Public Defenders Office felt that there was a lack of time to research the jury pools resulting in longer voir dieres.

Attorneys from the indigent defense counsel and private bar mentioned that 1) jurors would figure out how to get off a jury after one day, 2) there would be confusion associated with having a new group each week that needed to be educated, 3) jurors not selected for a trial must face the possibility of returning the remainder of the week, 4)

there would be difficulty in keeping up with juror questionnaires, 5) if trials go longer than one week, jurors would be frustrated and inconvenienced, 6) there would be more administrative work, and 7) there may not be enough jurors for all the trials that are scheduled.

Court staff mentioned that the weakest attribute was the increase in orientation.

One of the Judges thought that the benefits would be similar to the current term of service and that it would reduce the personal hardship even more. One Judge felt that there would be additional benefits in implementing one-day, one-trial if staff could handle the additional work. Two of the Judges did not feel that it would be beneficial to implement a one-day, one-trial because 1) very few trials only last one day, 2) it would be harder to seat a jury, 3) it would be very hard to do jury orientation daily, and 4) it would exacerbate the problem of the inexperienced juror.

The majority of the attorneys from the Prosecutors office did not feel that there would be any additional benefits to be gained because 1) more citizens would have to serve more often which would be an inconvenience to jurors, 2) jurors would not be prepared for trials that lasted longer than one day, which would make them more anxious about and frustrated with the system, 3) the majority of the Circuit Court trials last longer than one day, 4) more resources would be needed to review juror questionnaires prior to trials, 5) it would be more difficult to find good jurors who are willing to serve more than 1 day, 6) jurors would be inexperienced and uneducated about the system, 7) it would be a waste of taxpayer money, 8) many voir dieres don't start the day of trial, and 9) it would be time-consuming to present juror orientation every day. One attorney said a benefit of one-day, one-trial would be that all trials could be scheduled on Mondays (instead of the

current procedure of scheduling trials on Mondays, Tuesdays, and Wednesdays) and then there would be less wasted time of jurors because of trial certainty.

Three attorneys from the Public Defenders Office responded that there would be additional benefits gained because it would increase the number of jurors who respond and there would be an increase in minority representation. Two of the attorneys did not feel there would be any additional benefits because of the longer time needed for voir dire and the lack of time to research the jury pools.

Four of the attorneys from the indigent defense counsel and private bar thought that the additional benefits to be gained would be that 1) more cases could be tried, 2) there would be more representation from the community, 3) jurors would only be exposed to one voir dire, 4) there would be no ambiguity about when jurors were going to serve, and 5) there would be reduced cost to employers and reduced cost to the jury system. Six of the attorneys felt that there would be no benefits to be gained because 1) there would be more confusion, 2) more orientation would have to be done, 3) it would be more time-consuming for attorneys and administration, 4) it would diminish the jury pools, and 5) it would not be practical.

Court staff felt that it would be worth the time and effort for all parties involved.

All participants felt that the diversity of the jurors summoned had increased since the implementation of the one-week, one-trial. Some of the comments from the Judges were that there had visibly been an increase in the diversity and because of the minimized personal hardship and the lessened need for excusal requests and those who failed to appear, that this led to better cross-section and minority representation. One Judge felt

that there was better representation but that it had to do with the elimination of the data processing “glitch”, not the reduced term of service.

There were five attorneys from the Prosecuting Attorneys office who thought there was an increase, three who did not think there was an increase, one who thought diversity had nothing to do with length of service, and one who thought there might have been an increase, but that it was difficult to assess visually and thought it was not possible to determine one’s position in the community without asking. One thought there was an increase in minority representation but hadn’t really been aware of the lack of minorities until Mr. Wayne Bentley’s study was reported.

Attorneys from the Public Defenders Office generally felt that diversity was visually better and that it had increased but not significantly enough. One said that racial minorities and low-income representation had improved but that they were still under-represented.

Six of the attorneys from the private bar and indigent defense counsel group felt that diversity had increased because 1) there appeared to be more diversity in the majority of the panels, 2) there was a 100% improvement but a 300% improvement was needed to accurately reflect the diversity of the community, and 3) there was a greater percentage but was uncertain if it was because of the reduced term of service or the correction of the database error. Four of the attorneys thought that 1) it was too early to tell if diversity had increased, 2) there might be an increase but preemptory challenges for “non-racial” reasons limited the number of empanelled minorities, and 3) there was a minimum percentage of the community represented.

Court staff noted that there had visually been an increase in diversity and ethnicity percentages.

Three Judges felt that the it had benefited the Court because 1) there was less prejudice by jurors who only have to serve on one trial rather than having to serve on more than one trial in a 30-day period, 2) there was an increase in public trust and confidence with the Court and the overall system, 3) it was easier to seat a jury, 4) there was more citizen participation which gave more exposure to what happens at the Courthouse, and 5) jurors would have a better attitude. One Judge did not feel it benefited the Court but that there were fewer complaints from jurors about the length of service.

CONCLUSIONS/RECOMMENDATIONS

This project was a post-implementation evaluation of the study conducted by Mr. David Drain of the 17th Judicial Circuit in 1998. In summarization of my findings, I believe that the expectations of implementing a one-week, one-trial term of service have been met. The main goal of this court implementing a one-week, one-trial term of service for jurors was to increase diversity and to get a better cross-section of the community on jury pools with the reduced term of service. With involvement by the Kent County Jury Commission and the Grand Rapids Bar Association Jury Representation Committee, along with the use of technology, and the feedback we received from Mr. Munsterman's Jury Management Study, I believe the goals have been met and it has been shown that there has definitely been an increase in diversity in Kent County. Is it enough? Can we do more? Should we do more? The answer to those questions is, yes.

It has been proven that we have been able to reduce the number of jurors who are being excused, and eliminate exemptions of doctors, dentists, lawyers, self-employed, and farmers. Can we reduce excuses even more? Again, I would say that we could.

I believe it has been shown that jurors who appear for service are not being used effectively and efficiently. There has been a tremendous amount of wasted time and taxpayer monies in bringing in jurors who are not utilized.

Although it is hard to get an accurate, consistent figure on whether or not there has been a recognized cost savings with the reduced term of service because of the many variables that we have to deal with, e.g. variance in cost of juror parking, number of trials, length of trials, etc., I believe that we can and should start summoning fewer jurors so that a cost-savings will be realized. For the most part, jurors are not being utilized

effectively and efficiently. Our goal should be to send all jurors who appear at the courthouse to voir dire. Jurors are being exposed to the system but most only through orientation. There is a negative impact on the public trust and confidence when jurors are brought in, sit through orientation and are told what will happen if they get selected for voir dire, and then spend four hours sitting in a jury assembly area reading a magazine or book or watching CNN.

Since I started doing the research on this project, all of the Judges from the 17th Circuit Court of Kent County met at an all-day judicial retreat on scheduling cases that was facilitated by Mr. David Steelman and Mr. Richard VanDuizend of the National Center for State Courts.¹⁵ The Circuit Court Judges agreed that the greatest single case management problem for the Court is the lack of firm trial dates for criminal cases. Currently, up to eight jury trials are set for each of six Circuit Court Judges and there is no guarantee that any of those trials will proceed because of day-of-trial pleas, continuances, failure of defendants or parties to appear, or any number of other reasons. All this results in the very ineffective use of jurors for our Court if they are summoned to appear and do nothing but sit and wait for trials to get started. In order to address this issue, the judges agreed that the Court should reaffirm the “42-day rule” which encourages negotiated pleas early in the process; requires formal judicial approval of adjournments; and implements individual calendars which would allow each Judge to be responsible for his own docket. Individual dockets are a subject unto themselves and will not be discussed any further in this report, but I felt it was noteworthy to include this as a way that would make the implementation of the one-trial, one-day term of service easier.

¹⁵ Report, The Judicial Retreat on Case Scheduling, 17th Judicial Circuit of Michigan, October, 2003

All the participants of the survey instrument agreed that the number one advantage and the strongest attribute of the reduced term of service was that it was better for the jurors. The majority of the participants felt that there had been a noticeable increase in diversity since the implementation of the one-week, one-trial term of service in 2002, although there was a difference of opinion as to why they felt there was an increase.

According to Paula Hannaford-Agor, Principal Court Research Consultant with the National Center for State Courts, approximately 40% of the U.S. population live in jurisdictions that use one-day, one-trial. I believe that figure shows that many of the Courts in the United States see the advantages of reducing the length of time jurors should serve. It goes without saying that there is a greater advantage with a one-trial, one-day term to the citizens who are asked to participate in this very important process, and also to those employers who are also inconvenienced when their employees are required to be away from their job responsibilities for any length of time. Conversely, 60% of the U.S. population does not live in jurisdictions which use the one-day, one-trial. It is simply not practical for smaller counties, jurisdictions, or courts. The 17th Judicial Circuit Court of Kent County is the fourth largest court in Michigan. We are not a smaller court, especially since the consolidation of the Kent County Juvenile Court and the 17th Judicial Circuit Court in 1998.

Another very obvious advantage of the one-day, one-trial term is to increase citizen participation. The opportunity to increase citizen participation will certainly be limited with the continued use of the one-week, one-trial term of service.

More citizen participation results in greater diversity. We can show a good increase with the current one-week, one-trial, but a potentially greater increase with one-trial, one-day term of service.

It's a win-win situation. There is less personal and financial hardship for the juror and less employer hardship.

The educational value of more citizens being able to participate in the jury process is critical. There is always an element of a lack of trust in government and the court system, but a one-trial, one-day term of service would expose more citizens to the process and would be an opportunity for the Court to gain that trust and confidence.

The concern expressed by many about the increase in administrative work and the increase in the workload for the staff can be eliminated by reducing the number of jurors who are called and by implementing firm trial dates.

All of the concerns expressed about the fact that there might be more paperwork that would be needed to be handled by the same amount of staff, the frequency of orientations, the burden of administering, the loss of the seasoned jurors, and that it would be less dignified for the jurors are all inconveniences, at best, not disadvantages in my mind. I believe the number one concern is whether or not it is best for the citizens who have to serve and that goes without saying.

All of the disadvantages, in my mind, are not really disadvantages or valid reasons not to go to one-trial, one-day. They may be inconveniences for the court and attorneys, but not really disadvantages. I believe the advantages far outweigh the disadvantages by virtue of the fact that there will be greater citizen participation and therefore, greater diversity.

It has been shown that there is no significant increase in juror cost to the Court or the County.

It has been shown that automation can assist with implementation of the shorter term of service.

Unless and/or until this Court implements the one-trial, one-day of service for jurors and also the system of having firm trial dates, there will always be a mistrust and/or misunderstanding of the “system” and we will continue to inconvenience citizens by bringing them in weekly for no reason other than to orient them as to what might happen. We also will limit our ability to achieve true diversity in our jury pools until we increase the opportunity for all citizens to participate.

I believe the road has been paved and the stage has been set for this Court to implement a one-trial, one-day term of service for jurors. Mr. Drain’s study in 1998 proved that this could be implemented but the timing was not right back then. Many of the objections stated and disadvantages listed back then remain today. However, I believe the advantages of implementing a one-trial, one-day term of service for jurors outweigh the disadvantages.

There was concern expressed about the fact that if jurors were told that jury service consisted of one day or one trial, they would be disappointed when they found out that, if they were selected for a trial, they might have to serve longer than one day. One way to remedy this would be to promote this term of service as a one-trial, one-day term of service instead of one-day, one-trial so that the citizens would have a better understanding that they could get on a trial that lasted longer than one day; however, if they were not selected for a trial, their term of service would be over after one day.

One of the first issues that should be addressed is the number of jurors who are summoned for jury duty. We are currently summoning in too many jurors for too many scheduled trials. As was discussed at the judicial retreat, I believe it would be beneficial for each Judge to go to an individual calendar and firm trial dates should be set. Each Judge would be individually responsible for bringing the cases on his own docket to a timely conclusion and for determining how best to enforce the 42-day rule. With firm trial dates, we would not be bringing in jurors unnecessarily. If the number of jurors summoned could be reduced, we would reduce administrative, staff and juror costs, and improve the utilization of jurors and juror satisfaction levels.

For the most part, the only excuses that should be allowed would be those granted during the voir dire process. Conflicts in schedules would be handled through the deferral process, much as it is now.

No exemptions should be allowed. I don't believe there is anyone who can honestly say that they can't take at least one day out of their life to fulfill their civic responsibility. Jury duty is a tremendous hardship on those who are self-employed, but even these citizens should be able to participate for one day.

As stated in the Jury System Management book by G. Thomas Munsterman, "keeping records is a nuisance for everyone, ...but without activity records there is no basis for managing change, and jury clerks will be forced to plod along in accustomed paths" "because we have always done it that way." It must be done and in the Court that I represent, it must be done by me. More should be done to utilize the statistics that JMS can provide. More should be done to keep the Judges informed about juror utilization.

The amount jurors are paid is always a concern. For those jurors who are not reimbursed by their employer and for those who are self-employed, it is extremely difficult financially to be away from work for any length of time. Prior to October 1, 2003, jurors were paid \$35 a day, plus they were reimbursed \$1.50 for parking if they parked in a designated lot and \$.20 a mile for mileage. In October, 2003, the State Legislature raised the minimum amount that jurors must be paid from \$15 a day to \$25 for the first day and \$40 for each day thereafter. The Kent County Board of Commissioners implemented a reimbursement policy of \$35 for the first day and \$40 for each day thereafter. I would recommend that the mileage reimbursement be increased to the same IRS published rate that the State pays, which currently is \$.37.5 per mile, and it should increase with each IRS published rate increase. I would also recommend that jurors continue to be reimbursed for parking in a designated lot, but that the Court take a tough stance on those who do not park in that designated area, with the exception of unique cases, such as handicapped or those who are unfamiliar with driving in the downtown area. Juror maps and directions are provided on the Jury Information Line and included in the mailing with the juror summons. No one expects jurors to get rich doing jury duty but the Legislature and Board of Commissioners made a wise decision earlier this year by implementing a pay increase for the jurors. An increase in reimbursement for mileage would certainly help, especially for those jurors who are coming from the outer limits of the County.

A recommendation that was made by Mr. Munsterman in his Jury Management Study for the 17th Judicial Circuit was to test the utility of using the National Change of Address (NCOA) process that is available from vendors licensed by the U.S. Postal

Service. These vendors have access to changes of address information filed by persons who notify the post office of their move. ACS, our current vendor, set this up for us (for a fee) and this process was implemented with the current list of jurors that we received from the Secretary of State's office. This process should help to reduce the rate of undeliverables in Kent County and reduce the amount of returned mail that the jury agents have to deal with every day. In 2004, when we request our next list from the Secretary of State's office, NCOA will be included with that list and it will no longer be necessary to get this from ACS.

At a Jury Commission meeting that was held on November 12, 2003, Mr. Bentley presented a plan for implementing the "zip plus four" process that would ideally be a way to increase minority representation. This process would maintain the original geographical distribution of the initial random drawing of jurors. The process includes:

- Sorting all addresses by the nine-digit zip code
- Assigning a unique group number to each consecutive 50 addresses that was at least six digits long. For example, the first 50 addresses (sorted by zip code) would be assigned group number 1, the second 50 addresses would be assigned a group number 2, etc.
- Selecting a jury pool by randomly choosing addresses from the entire list of addresses.
- For each undeliverable address, randomly selecting an address from the group that contained the undeliverable address.

This process was provided to ACS and, for a fee, this process will be implemented into the Jury Management System and it is anticipated that this will be utilized in early 2004.

I would also recommend using multiple source lists. Currently, we are only using drivers licenses (which includes those who have state ID's). In the most recent monograph by Mr. Munsterman and Ms. Hannaford-Agor, it is stated that well over half the states use more than one source list as the source of names for jurors.¹⁶ The most common combination is the list of registered voters and the list of licensed drivers. Using multiple source lists presents another set of challenges, such as how to handle duplicate entries, but it would certainly help to increase the diversity of the jury pools.

The jurors summoned for our Court currently have a 12-month exemption from jury service at both the Circuit and District levels. I would recommend that a statutory change be pursued that would provide for anywhere from 24- to 48-months exemption.

Currently, there is little or no enforcement of penalties for the jurors who are summoned and fail to appear for jury service. They are sent a letter that tells them they failed to appear and they are directed to call the court to set a new date for service. If they fail to respond to that letter, they are sent a second letter that tells them that because they failed to appear and/or respond, the Jury Clerk will be scheduling an Order to Show Cause Hearing in front of the Judge. Jurors who are scheduled to come in for a Show Cause Hearing and appear for that hearing are given the option of scheduling a new date of service. There is no follow-through on those who fail to appear for the Show Cause Hearing, mainly because the law enforcement agencies refuse to enter Bench Warrants in LEIN (Law Enforcement Information Network) for FTA jurors. I would recommend that jurors who fail to appear for jury duty and have no legitimate reason for not attending or rescheduling their service, be assessed a minimum fine of anywhere from \$45.00 (the

¹⁶ The Promise and Challenges of Jury System Technology, G. T. Munsterman, Paula Hannaford-Agor (March, 2003), p. 17

clearance fee currently assessed for restoration of a suspended driver license) to \$85.00 (the fee assessed for selecting a jury for a civil lawsuit trial in Circuit Court). Law enforcement agencies are more willing to enter a Bench Warrant into LEIN for failing to pay than they are for failing to appear for jury service. The collection of the fine would be the responsibility of the Court's Finance Department.

I would recommend that the way we currently do orientation be changed. The length of time that is spent now by the Jury Clerk providing orientation for the jurors would not be practical for a one-trial, one-day system. Daily orientation by the Jury Clerk would be a burden, especially as thorough an orientation as is given now. My goal in 2004 is to write a script that will be provided to a professional who will assist with making a jury orientation video that can be shown each day the jurors are summoned to come in. The Jury Clerk would still be available for any additional questions the jurors might have after they watch the video. The video would ideally be no longer than 10-15 minutes in length. We could also supplement that video by giving the jurors brochures explaining their responsibilities. Obviously, the down side to this would be that there would be less personal intervention in the Jury Assembly Room, but other courts throughout the United States are doing orientation by video and there is no reason why our court could not do this also.

In summary, it was interesting to note that even though one of the goals of a shortened term of service was to increase citizen participation, the majority of the groups involved with my survey instrument did not mention that as an advantage or as a strong attribute.

It was also interesting to note that there continues to be concern about the loss of the seasoned juror. For the most part, the “seasoned” juror is an inconvenienced juror. With the implementation of the one-week, one-trial, we have already lost the seasoned juror so this really is a moot issue. It may not be easy to accept but it is moot, nonetheless, and it is time for the Court and the attorneys to move forward. I believe the more important point to consider here is the happy, diverse juror who is representative of a cross-section of the community.

We must move forward with the one-trial, one-day term of service. We must take full advantage of the technology that has been provided to us to ensure that our jurors are being utilized effectively and efficiently. We must continually strive to gain the public trust and confidence. We must continually strive to use as many means as possible to reach our goal of increasing diversity in our jury pools. Some of the recommendations will require legislative and County intervention but the recommendations that the Court is able to implement without that intervention should be implemented.

We have come a long way since the implementation of the one-week, one-trial, and aside from the computer “glitch” we dealt with, we have made many positive changes to try to increase diversity.

We should not, must not stop now, but continue to do our best to make sure jury service is more convenient for all citizens, employers, court staff and the court users.

BIBLIOGRAPHY

- *****. Course material for the Jury Management Phase I Course. Institute for Management and National Center for State Courts. 2001.
- *****. Jury Management Study, Kent County, Michigan. G. Thomas Munsterman. 2003.
- *****. Jury Reform in New York State: A Second Progress Report On A Initiative. 1998.
- *****. Kent County Jury Commission Minutes with attachments. 2002.
- *****. Report, The Judicial Retreat on Case Scheduling, 17th Judicial Circuit of Michigan. 2003.
- *****. Seventeenth Judicial Circuit Court 2002 Annual Report.
- *****. Standards for Juror Use and Management in Michigan, Recommendations of the Jury Management Work Group as Revised by the Review Work Group. 2001.
- *****. Standards Relating to Juror Use and Management, American Bar Association Judicial Administration Division Committee on Jury Standards. 1993.
- *****. With Respect To The Jury. A Proposal for Jury Reform. 1997.
- Boatright, Robert G. Generations, Age Groups, and Jury Service: Does Age Matter? 2000.
- Center for Jury Studies Newsletter. 1982.
- City High Study. Report: Minority Participation in the Jury Selection Process. 1994.
- Dillehay, R.C., Nietzel, M.T. Juror Experiences and Jury Verdicts. 1985.
- Drain, David R. A Feasibility Study Of A One Day/One Trial Jury Service in Kent County, Michigan. 1998
- Munsterman, G. Thomas. Jury System Management. Williamsburg, VA: National Center for State Courts. 1996.

Munsterman, G.T., Hannaford-Agor, Paula. The Promise and Challenges of Jury System Technology. 2003.

APPENDIX A

TO: JUDGE
FROM: TERRY HOLTROP, CASE MANAGEMENT MANAGER
RE: QUESTIONNAIRE
DATE:

I am involved in Phase 3 of a 4-phase Court Executive Development Program sponsored by the National Center for State Courts. As part of this program, I gave to each Circuit Court Judge a questionnaire to respond to. I know you are very busy, but I would really appreciate your feedback.

In 1998, David Drain completed a study for the Court entitled, A Feasibility Study of a One day/One Trial Jury Service in Kent County, Michigan. After completion of his study, it was recommended that the Court implement a one **week**/one trial jury service with a further recommendation that juror usage continue to be evaluated and the new jury service itself be evaluated in a pre- and post-implementation fashion. Overall, I think it can be proven that the one week/one trial jury service has been successful in terms of user (juror and employer specifically) satisfaction.

As a follow-up to David's study, I am doing a study on whether the diversity of the jurors summoned has increased (diversity meaning not only minorities but also representative of the community) as well as whether the jurors summoned are being used effectively and efficiently.

I am also proposing to outline steps that would be necessary for the Court to implement a one **day**/one trial term of jury service.

In an effort to complete this project, will you please respond to the attached questionnaire? Please answer each question as completely as possible. Because of the timeliness of this project, please return this to me no later than **Friday, November 14, 2003**. Please use additional paper if needed. Thank you for your assistance with this study.

1. On a scale of 1 to 5 (5 being the most positive and 1 being the most negative), please rate whether or not the present one-week/one-trial jury system has been a positive, negative or neutral experience for you? Please explain why.
2. How does the present one-week/one-trial jury service benefit the Court?
3. What would you say is the current one-week/one-trial jury system strongest attribute? Please explain.
4. What would you say is the current one-week/one-trial jury system weakest attribute? Please explain.
5. Given your comments to Question #2, do you feel there would be additional benefits in implementing a **one-day**/one-trial term of jury service?

Yes – please explain

No – please explain

6. In your opinion, has the diversity of the jurors summoned increased (diversity meaning those representative of the community as well as minorities)?

Yes – please explain

No – please explain

APPENDIX B

KENT COUNTY JURY COMMISSION

June 6, 2002

3:00 p.m. – Jury Assembly Room, Kent County Courthouse

Minutes (as amended on July 11, 2002)

Present: Jury Commission Chair Gail Russell, Jury Commissioners Wayne Bentley and John Strauss, Mary Hollinrake, Kent County Clerk, members of the print, radio and television media, and Crystal McClenton, Case Management Supervisor

Chair Gail Russell called the meeting to order at 3:00 p.m.

Motion by Mr. Bentley, supported by Mr. Strauss, to accept the minutes, as typed, from the May 2, 2002 Jury Commission meeting.

Presentation by Mr. Bentley (see attachments).

Motion by Mr. Strauss, supported by Mr. Bentley, that the action items in the attachments be tabled until the July 11, 2002 meeting.

Next Meeting

The next meeting of the Jury Commission will be Thursday, July 11, 2002 at 3:00 p.m. in the Jury Assembly Room.

Adjournment

The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Crystal McClenton
Case Management Supervisor
17th Circuit Court

****DRAFT****
Report to the Jury Commission
on the Lack of Minorities
In the 17th Circuit Court Jury Pool

PART 1

REPORT ON THE JURY DRIVERS LICENSE LIST

(These statistics was given to Wayne Bentley by Dick Hillary of the Public Defenders Office. He received it from Kim Foster)

There are many problems associated with the jury selection process, we should start at the beginning. The STATE FILE OF PERSPECTIVE JURORS-2001 lists 453, 981 possible individuals that are on the drivers license and Michigan ID that the 17th Circuit Court administration receives from the state. However, there are only 411,000 people over the age of 18 according to the Census Bureau. It appears the list contains the names of everyone that applies for a driver's license at one of the Secretary of State's Offices in Kent County. It should be clear that they can not serve in any of the courts in Kent County if they come from some other county when they make our list. If you don't want to serve on a jury, drive to a different county and get your driver's license there.

The next problem is that a good number of the zip codes that are not Grand Rapids are miss represented as Grand Rapids addresses. For instance, The zip code 49508 is for the City of Kentwood which is not listed as one of the cities but is wholly contained in the total for Grand Rapids (East Grand Rapids, Walker, and others have the same problem). This over represents the percentage of the list that is considered Grand Rapids.

The over 18 age group for Kent County, according to the Census Bureau, has Grand Rapids as one third of the Kent County's over 18 population. The Drivers license list has Grand Rapids as 30% including other cities that are not apart of Grand Rapids. (It appears each individual gets to list the city they are from weather or not their address is in that jurisdiction.) see attached: KENT COUNTY JUROR SELECTION STATISTICS-2001).

PART II

REPORT ON THE JURORS SUMMONED TO SERVE

(The data used in this report was obtained by Wayne Bentley under the Freedom of Information Act (FOIA). It includes the lists of summoned perspective jurors for the 17th Circuit Court jury pool for the weeks of February 4th-March 25 (8 weeks).

To keep it simple we will just deal with two zip codes, 49507 (507) and 49341 (341). 431 is the zip code that represents the City of Rockford and the region around the city. The 341 zip code has an average of 32 persons on the list for the 8 weeks.

Here is the formulas to find the standard deviation from the mean for these statistics:

mean = \underline{m} (average for a normal distribution)

\underline{m} = *number selected for the week times the fraction of the population.*

Fraction of the population = $21,491 / 453,981 = .047334$

Number selected for week 1 – 248

(248) times (.047334) = 11.74

To calculate the standard deviation the formula is:

s = the square root of [(248) times (.047334) times (.952666)]

s = 3.3443

z = (39 – 11.74) / (3.3443) = 8.1511

To interpret this number using the chart for z scores, which are the difference between you expected value and the actual value divided by the standard deviation only goes up to “5”. However, using the calculator, the probability of getting 39 jurors from 341 zip code is 5 out of 1 ten billionth.

5 out of 1 ten billionth equals $\frac{.....5.....}{10,000,000,000}$

To make a long story short, lets calculate the z-score for 507 with the last of the eight weeks because 507 could not have a score with zero representation the first week.

$$m = .077 \text{ times } 362 = 28$$

$$s = \text{the square root of } [(362) \text{ times } (.077) \text{ times } (.923)] = 5.07$$

$$z = (3-28) / (5.07) = 4.93$$

A z-score of 4.93 has a probability of occurring of 4.12 out of ten million.

4.12 out of ten million is equivalent to: $\frac{.....4.12.....}{10,000,000}$

or about 1 out 2.5 million

APPENDIX C
KENT COUNTY JURY COMMISSION

July 11, 2002

3:00 p.m. – Jury Assembly Room, Kent County Courthouse

Minutes

Present: Jury Commission Chair Gail Russell, Jury Commissioners Wayne Bentley and John Strauss
Also present: Mary Hollinrake, Kent County Clerk, Honorable Paul J. Sullivan, Circuit Court Judge, Paul Mayhue,
Kent County Commissioner, members of the press and Terry Holtrop – Case Management Manager

Chair Gail Russell called the meeting to order at 3:00 p.m.

Motion by Mr. Strauss, supported by Mr. Bentley, to table the acceptance of the minutes, as typed, from the June 6, 2002

Jury Commission meeting until the Jury Commissioners and Terry Holtrop meet to discuss amendments to those minutes.

Old Business

Presentation by Mr. Bentley (see attachments) – The presentation focused on comparing the number of Circuit Court jury summons selected for mailing to the 49507 (southeast Grand Rapids) and 49341 (Rockford) zip codes. Of the total potential jurors listed on the wheel received by Kent County from the State of Michigan, 7.7% are from 49507 (southeast Grand Rapids) and 4.4% are from 49341 (Rockford). A sample of weekly names selected for summons mailing from April 1, 2002 through July 22, 2002 averaged 1.5% from 49507 and 11.1% from 49341. Wayne concluded that there is a systematic flaw in the selection process that distorts the distribution of selected names of potential jurors from the natural distribution. The result of the selection flaw, more names are drawn from Rockford and fewer names are drawn from southeast Grand Rapids than is statistically reasonable.

Motion by Mr. Bentley to ask the County to supply legal counsel to the Jury Commission to help with implementing the needed changes.

Judge Sullivan made a statement that he appreciated the efforts of Mr. Bentley to find ways to increase minority representation in the jury pools, but said it was absurd to believe the judiciary was intentionally trying to avoid this issue and he felt very strongly that this issue was not being ignored by any of the judges or court administration. Judge Sullivan offered to coordinate a joint meeting with the Jury Commission and a representation of the Judiciary.

Cara Nieboer, a law student, made a statement regarding the statistics and questioned whether or not this was really a race issue.

Commissioner Mayhue questioned the cost of implementing the changes. He said that although the Commissioners had no authority in this area, they did support Mr. Bentley's efforts. Mr. Mayhue also commended Judge Sullivan for his presence and response at the meeting today.

Mr. Bentley stated that he believed the costs of implementing the needed changes would be minimal.

Ms. Russell and Judge Sullivan agreed to coordinate efforts in setting up a joint meeting with the Judges and the Jury Commission as soon as it could be arranged with everyone's schedule.

Motion by Mr. Strauss, supported by Mr. Bentley, to table the Action Items until a meeting was set up with the Judges and the Jury Commission. Motion carried unanimously.

Mr. Strauss mentioned that the meeting that is being scheduled between the Judges and the Jury Commission should be in compliance with the Open Meetings Act.

Next meeting – The next meeting of the Jury Commission will be Thursday, August 1, 2002 at 3:00 p.m. in the Jury Assembly Room.

Adjournment – The meeting adjourned at 3:50 p.m.

REPORT ON THE KENT COUNTY JURY SELECTION PROCESS

The Jury Selection process should be a straight forward procedure where the County obtains the Driver's License and Michigan ID List from the Secretary of State and applies a random selection program to the list. The program, as an added benefit, provides the County with payroll, mailing, mileage and other bookkeeping responsibilities necessary for jury maintenance. However, this random program, at least for the first six months, systematically eliminates different areas of the county. If the claim is true, that it will all equal out eventually, then the program would have to run for several years for the different areas that are eliminated in the first year to catch up with their cross-section of the county. That is not going to happen because the list has to be up dated every year to remain current. So, Kent County Administration starts over, weighting the areas of the County that it wants to serve on a jury and systematically eliminating geographical regions in the County that it would prefer not to serve on the jury.

The Driver's License and Michigan ID List from the Secretary of State comes already randomized by the State. This randomization maintains an adequate representation of all regions of Kent County in a large enough sample (a large enough sample is one that can handle a minimum requirement of jurors). The County takes the list and applies its random program to the already random list and essentially makes it so that there are consistent, recognizable, and "distinctive" groups that are over represented and other "distinctive" groups that are underrepresented.

This report claims that the jury selection system used by Kent County Circuit Court produces unfair and unreasonable underrepresentation of African-American prospective jurors. Furthermore, that this process has been on going for several years.

In *Duren v. Missouri* (U.S. 1979) there are three requirements to show that a fair cross-section of the community has not been satisfied: (1) that the group alleged to be excluded is a "distinctive" group in the community; (2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such person in the community; and (3) that this underrepresentation is due to systematic exclusion of the group in the jury selection process.

I will address each requirement separately. (1) African-Americans satisfy the requirement of a "distinctive" group in every court in the land. A "distinctive" group is a group that can be the object of prejudice directly. (2) from the lists of 26 weeks of prospective jurors it should be obvious that minorities are underrepresented in proportion to their numbers in the County.

(3) There are three different court tests to determine how much underrepresentation is too much. The first one, absolute disparity cannot be applied where the minority group is not a majority of the population. The second test is comparative disparity and could be used in this report because of the overrepresentation of the 49341 zip code compared to the underrepresentation of the 49507 zip code (see data attached). The third method is called the standard deviation analyses which I provide a in the data section. To explain the standard deviation analyses in layman's terms it basically shows what is the possibility of obtaining like results of the jury cross-section by chance if a person was to go to the list and start picking names at large random intervals. When this test is applied to one week's data, the chance of obtaining what the Kent County Court Administration obtained by their "random" program is astronomical. Then, to do it for 26 strait weeks becomes absurd. As an illustration, comparing the standard deviations, you have a better chance of getting hit by lightning 22 times, than ever getting one week of jury selection obtained by the County, by pure chance. (Note: in previous cases appealed from Kent County there was no standard deviation analyses evidence presented in court.)

These are the recommendations, based on this report, that I would like the Jury Commission consider:

1. Ask the County to supply legal assistants to the Commission to help with implementing the needed changes.
2. That the Kent County Court Administration, starting with the new session on October 1, uses names for jurors directly from the Secretary of State's List.
3. That the Kent County Court Administration, at the same time, institutes a zip+4 procedure for undeliverable and unreturned jury questionnaires.
4. That the District Court jurors not be selected before the Circuit Court, but be selected based on need for each individual district court, with sufficient lead time to guarantee continuous juries.
5. That the Kent County Court Administration, restores the functions that are the statutory responsibilities of the Kent County Jury Commission.

Attached you will find tabulations of the 26 weeks of summoned prospective jurors, along with two summaries from two different groups of 400 perspective jurors directly from the Secretary of States of Drivers License and Michigan ID. In addition, there is the draft report submitted for your consideration at our last meeting.

APRIL THRU JULY 2002

Week of	49507#	act.%	exp%	49341#	act.%	exp.%	total
4/1	4	1.4%	7.7%	32	11.7%	4.4%	276
4/8	5	1.5%	7.7%	41	12.5%	4.4%	328
4/15	3	.90%	7.7%	30	11.1%	4.4%	330
4/22	7	1.9%	7.7%	37	12.0%	4.4%	324
4/29	10	2.5%	7.7%	41	10.05%	4.4%	404
5/6	3	1.1%	7.7%	37	11.7%	4.4%	324
5/13	8	1.7%	7.7%	57	11.7%	4.4%	474
5/20	6	1.7%	7.7%	42	12.0%	4.4%	352
5/27	8	1.7%	7.7%	42	11.0%	4.4%	462
6/3	5	1.3%	7.7%	32	7.2%	4.4%	470
6/10	7	1.7%	7.7%	52	12.5%	4.4%	414
6/17	3	0.7%	7.7%	35	8.4%	4.4%	420
6/24	5	1.5%	7.7%	49	13.1%	4.4%	370
7/1	10	2.3%	7.7%	57	13.1%	4.4%	420
7/8	2	0.43%	7.7%	33	9.6%	4.4%	350
7/15	6	1.7%	7.7%	31	9.0%	4.4%	350
7/22	3	1.0%	7.7%	38	12.2%	4.4%	308

2002 STATE FILE

NUMBERS	49507	%	49341	%	TOTAL
1001—1401	31	7.7%	28	7.0%	400
205,001—205,401	23	5.75%	25	6.25%	400

	APPENDIX D - ZIP CODE REPRESENTATION - 2003																													
	JUL.				AUG.				SEP.				OCT.				NOV.			DEC.										
	Term 26	27	28	29	Term 30	31	32	33	Term 34	35	36	37	38	Term 39	40	41	42	Term 43	44	45		Term 46	47	48						
Zip Codes																									Totals					
48809				1	1					1	1		1	1					1						7					
48838			1		2	1		1			4	1	1	1	2		2	2		1					19					
49301			1	5	1	6	3	2	3	2	2	5	3	3	4	5	6	4	6	4		4			69					
49302			1	4	4	5	3	3	1	2		3	2	3	1	3	1	3	1	2		3			45					
49303											5			1											6					
49306			1		5	2	2	3	5	6	5	2	6	2	2	4	4	1	1	1		6			58					
49315			5	10	2	4	2	3	4	4	6	7	8	7	5	4	5	4	4	6		9			99					
49316			4	2	3	4	7	3	9	6	6	5	5	3	2	5	6	5	1	8		1			85					
49319			7	6	2	3	5	3	7	3	6	8	3	2	6	5	5	6	10	3		2			92					
49321			4	4	4	9	3	11	4	4	8	6	6	5	4	5	6	7	4	4		10			108					
49326			2		1	1			2	1	1		1	1	1		1	1	1			1			15					
49330			2	1	2		3	3		1	1	1	1	1	1		1		3	1		1			23					
49331			3	4	4	5	3	2	3	4	3	4	6	1	1	4	5	4	5	4		8			73					
49341			8	8	9	11	8	4	7	10	15	12	12	6	11	12	7	11	6	16		8			181					
49343				2	3			4		1		1	1	1	1		4	1				1			20					
49345			1	3	4	4	2	3	2	3	3	6		5	7		6	4	6	6		3			68					
49418			2	8	6	5	4	6	6	9	7	4	6	4	4	7	10	8	8	3		3			110					
49503			5	10	5	8	4	5	9	7	10	8	8	10	11	6	9	10	9	7		5			146					
49504			8	9	10	10	15	6	8	5	13	9	6	17	10	9	12	5	10	13		12			187					
49505			8	8	6	9	8	4	9	10	10	9	4	9	11	6	5	11	8	10		6			151					
49506			5	10	7	7	5	5	6	12	7	6	9	12	12	3	12	18	9	8		14			167					
49507			9	5	10	4	6	5	9	10	7	6	9	6	5	7	5	9	9	14		10			145					
49508			10	3	10	12	8	8	15	13	8	9	13	13	12	9	10	10	15	9		10			197					
49509			17	13	6	8	15	11	18	13	14	14	15	16	11	15	7	11	14	13		20			251					
49512			3	1	2	3	1	4	1	3	3	2	3	3	3	1		5	2	4		7			51					
49525			11	8	6	7	11	11	6	8	9	11	5	7	6	8	8	15	8	6		4			155					
49544			6	7	6	10	5	6	4	4	7	7	6	7	7	6	7	14	6	6		7			128					
49546			10	5	8	9	4	7	11	13	7	8	9	12	10	5	10	19	11	7		16			181					
49548			8	11	8	4	9	2	7	6	6	3	9	6	9	11	7	8	9	7		15			145					
Totals			142	148	137	151	136	125	156	161	174	157	158	165	159	140	161	196	167	163		187			2983					
													</																	

APPENDIX E - COMPARISON OF JUROR OCCUPATIONS BETWEEN		
30-DAY TERMS IN 2001 AND ONE-WEEK TERMS IN 2002		
	<u>2001</u>	<u>2002</u>
	# of Jurors	# of Jurors
MANAGERIAL SPECIALTIES		
Advertising	14	31
Financial	176	302
Manager	407	627
Personnel	183	259
Public Relations	36	55
PROFESSIONAL/PARAPROFESSIONAL		
Analyst	79	132
Architect	36	120
Artist	17	40
Caseworker/Counselor	44	53
Chef	3	8
Contractor	11	18
Dentist		13
Doctor	38 *	98
Engineer	106	157
Lawyer	25 *	48
Nurse	104 *	209
Teacher/Pastor/Minister/Priest	275	374
Writer	6	17
SERVICE		
Beautician	11	28
Firefighter	8	15
Household worker (caregiver, day-care provider, housekeeper)	28	64
Police	29 *	68
Postal Service	32	46
Waitress/Waiter	22	32
TECHNICAL/SALES		
Clerical	284	411
Computer Operator	15	18
Sales	387	700
Secretary	118	242
Technician	412	769
AGRICULTURAL		
Farmer	11 *	24
Forestry	12	50
LABORER/FACORY	384	667
MECHANIC/CRAFTSMAN	122	215
OPERATOR/DRIVER	191	360
SELF-EMPLOYED	92 *	248
TRANSPORTATION WORKER	13	16
NON-EMPLOYED		
Disabled	13	26
Homemaker	237	495
Retired	311	572
Student	20	57
Unemployed	77 *	123