

**BEYOND FAILURE TO APPEAR NOTICES:
A REEXAMINATION OF JUROR ATTITUDES IN THE CIRCUIT COURT OF
JACKSON COUNTY, MISSOURI AND AN EXAMINATION OF OTHER
TECHNIQUES TO ADDRESS FAILURE TO APPEAR PATTERNS**

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ABSTRACT

This project on juror non-appearances was undertaken in the Circuit Court of Jackson County, a general jurisdiction state trial court serving a single county in Missouri. The Court is a large urban court, but it is located in a state where there are only two other circuits located in large urban areas. The issue of juror non-appearances is critical not only to the Circuit Court of Jackson County, Missouri but to courts generally because it impacts a court's ability to assure the integrity of its jury selection processes, which are in turn critical to assuring the key constitutional right of trial by jury.

The project took a two-fold approach to studying the issue of juror non-appearances. The first focus of the project was on the approach taken and range of practices used by other large urban courts in the United States that have implemented and are continuing to use Order to Show Cause dockets as a technique to address juror failures to appear. The second focus of the project was on the attitudes of jurors summoned to the Circuit Court of Jackson County, Missouri. The purpose of the project was to determine if the Court could and/or should take additional steps, beyond its current practice of sending failure to appear notices to address juror non-appearances.

The research methods utilized to study this issue included a review of the relevant literature on management of juror non-respondents, including a review of a prior study completed in the Jackson County Circuit Court. The methods also included a limited number of telephone interviews of jury managers in other large urban courts. The other

courts selected were outside the State of Missouri and were identified, in part, based upon data from the recently completed State-of-the-States Survey of Jury Improvement Efforts published by the Center for Jury Studies within the National Center for State Courts. Finally, the primary research method used was an on-site survey of jurors serving in the Jackson County Circuit Court in September and October 2007 about their attitudes toward jury service generally, and specifically toward jury service with the Court.

Through the interviews of jury managers from other jurisdictions we were able to document a significant range of practices related to both Order to Show Cause dockets as well as to other techniques designed to address juror failures to appear. Through the results of the juror survey conducted in 2007 and the comparison to the report from the prior juror survey completed in Jackson County, we were able to reaffirm that jurors still hold a strong belief in the value of jury service as well a strong view of the importance of the role of the citizen juror. However, these strong views did not necessarily translate into corresponding beliefs that everyone should serve. In addition, as expected, the survey revealed that the Court's jurors have concerns about the burdens placed on them.

Given these results, the overall recommendation arising from this project is that while the Jackson County Circuit Court should consider enhancing its compliance program for jurors who fail to appear, it should undertake what would be categorized as true enforcement efforts only in a very limited sense. Instead, the Court's focus should continue to be on education and on other means of improving juror response rates.

INTRODUCTION

This project was intended to focus on whether there has been a change in the attitudes of jurors summoned to the Circuit Court of Jackson County, Missouri. Juror attitudes in Jackson County were last studied by Teresa York¹, the Court's former Assistant Court Administrator/Jury Supervisor, for her Institute for Court Management (ICM) Court Executive Development Program (CEDP) Phase III Project, which was published in May 2001. A further focus of the project was on studying the approach taken, and on documenting the range of practices used, by other large urban courts in the United States, which have implemented and are continuing to use Order to Show Cause (OSC) dockets as a technique to address jurors who fail to appear. The purpose of the project was to determine if the Circuit Court of Jackson County, Missouri could and/or should take additional steps, beyond its current practice of sending failure to appear (FTA) notices.

The Circuit Court of Jackson County, Missouri, also known as the Sixteenth Judicial Circuit, is a general jurisdiction state trial court serving a single county. It has a total of 36 judicial officers, consisting of 19 circuit judges, nine associate circuit judges, and eight commissioners. Jackson County is comprised of 600 square miles, has a population of almost 665,000, and encompasses one of two major metropolitan areas in the State of Missouri. Sixteen different municipalities are located at least partially within the county. Jury tried cases are heard in two courthouses within Jackson County, one in Kansas City, the other in Independence. Jurors are summoned from the entirety of the county to both

¹ Teresa York's ICM CEDP Project was published under her former name, Teresa Steelman, and while I have used her current name in the body of the text of this paper, citations to her report are under Steelman.

locations. A larger number of jurors are needed at and summoned to the Kansas City courthouse because 12 of the 16 circuit judges regularly assigned to hear jury tried cases sit in Kansas City. Four others sit in Independence. The remaining three circuit judges serve in administrative or other capacities as the Presiding Judge, Administrative Judge for the Family Court, and Criminal “A” Judge.

Petit jurors are summoned by the Jackson County Circuit Court 49 of the 52 weeks each year using a one-step summoning process with an average of 360 jurors reporting each week.² Jurors are given a date certain on which to report, and are instructed to call in after 5:00 p.m. the night before to determine whether they are still required to report. The Court uses a one day/one trial system. As a result, except for lengthier cases in which jury selection takes more than one day, most prospective jurors know by the conclusion of that first day whether they have been selected to serve as a juror or alternate in a particular case. The majority of the roughly 195 cases for which juries are empaneled each year in the Court³ are still tried in under one week. Jurors are paid the state statutory rate of \$6.00 per day, are reimbursed for mileage at the rate of 7 cents per mile, and are provided validated parking at the Kansas City courthouse location only from the point at which they are actually sworn as a juror or alternate for a case.⁴

Currently the Jackson County Circuit Court runs an FTA report for each day for which jurors are summoned. The report captures all jurors who were summoned and who failed

² Weekly average for calendar year 2007.

³ Five year average for calendar years 2003-2007.

⁴ Parking for jurors at the Independence location is available free of charge in a county-owned lot across from the courthouse.

to appear on their designated date, except those who previously established that they were ineligible to serve, those who were postponed or excused, and those whose summonses were returned by the post office as undeliverable. As a result the report includes both jurors from whom juror qualifications forms and/or other correspondence have been received (responded) and those from whom no communication has been received (non-responded). Although a report is run for each day jurors are required to report, FTA notices are not sent out until the next month. This delay is built into the process to give jurors who missed their dates because they simply forgot, received their summons late, or are working to provide documentation to establish a basis for excuse an opportunity to cure without any further action by the Court.

At the beginning of each month, the Court generates FTA notices for any jurors who remain in FTA status from the previous month. The FTA notices, which give each juror a choice of two additional dates⁵ on which to report, complete their jury service, and cure their FTA status, are sent via regular mail. The designated dates are usually in the month following the month the FTA notice is sent. Both the delay in sending the FTA notices in the first instance and the selection of the dates in the following month are designed to maximize response from FTA jurors. Timing the FTA letters in this manner generally results in a greater number of responses establishing new service dates for individuals who previously failed to appear. Because the Court's ultimate goal is to get jurors to

⁵ The additional dates provided normally fall on the first business day of the week. Holiday periods as well as other weeks where fewer jurors are generally needed (such as weeks when the Court's judges will be at judicial conferences or colleges) are avoided so there is less chance that jurors will be cancelled on a date FTA jurors have been directed to report.

complete their service, these follow up efforts are geared to accomplish that goal rather than to harass and/or penalize individuals who initially failed to appear.

While all jurors in FTA status receive the letters, several steps are taken to ensure that the letters sent are both correct and appropriate to each juror's circumstance. First, before the letters are generated, the juror's status is rechecked and anyone who has since established that they were ineligible to serve, obtained an excuse or postponement, or whose summons was returned as undeliverable is removed from the FTA list. Second, the Court verifies whether jurors have called to indicate they will be coming in on another date; if so, their notice is held until after the date indicated has passed to make sure they comply.⁶ Finally, the date of birth of each juror to whom a notice is being directed is checked, and a modified notice with somewhat "softer" language is prepared for anyone age 65 or older.⁷ For the first nine months of 2007, this notice process resulted in a reduction in the FTA rate from an initial rate of 13.6% to a rate of 7.2% at the Kansas City location of the Court.

⁶ Jurors who call and agree to come in within a short period of time following the date they were summoned are not formally postponed, particularly if the summonses for that date have already been issued. Instead a note is simply placed in the juror's record indicating when they will report.

⁷ Copies of the normal FTA notice sent to jurors in Jackson County and the modified notice sent to jurors age 65 and older are included as appendices A and B, respectively.

LITERATURE REVIEW

Review of Literature on Management of Juror Non-Respondents

Throughout the literature on jury management generally, the need for professional administration, appropriate standards, and the maintenance of record-keeping systems from which management data can be readily extracted and regularly reviewed is apparent. The existence of and need to address the issue of individuals who do not respond to a jury summons is specifically recognized, not only in the literature, but also in the standards and principles that have been developed over the last 20-30 years.⁸ For example, one of the principles adopted by the American Bar Association (ABA) as part of its statement on juror notification and summoning procedures states that “[c]ourts should adopt specific uniform guidelines for enforcing a summons for jury service and for monitoring failures to respond to a summons. Courts should utilize appropriate sanctions in the cases of persons who fail to respond to a jury summons.”⁹

A number of other factors also point to the degree to which jury management is being studied and is considered a critical part of the field of court administration. Among these are the creation of Principles for Juries and Jury Trials by the ABA,¹⁰ and the

⁸ Robert G. Boatright, **Improving Citizen Response to Jury Summonses**, American Judicature Society, 1998; Center for Jury Studies, **Methodology Manual For Jury Systems**, National Center for State Courts (NCSC), 1979, Revised 1981 [hereinafter Center for Jury Studies, **Methodology Manual**]; G. Thomas Munsterman and Janice T. Munsterman, **A Supplement to the Methodology Manual for Jury Systems: Relationships to the Standards Relating to Juror Use and Management**, Center for Jury Studies, NCSC, 1987; ABA, **Principles for Juries and Jury Trials**, Thomson West, 2005 [hereinafter ABA, **Principles**]; ABA, **Standards Relating to Juror Use and Management**, State Justice Institute, 1993.

⁹ ABA, **Principles**, Note 8 *supra*, principle 10 D.2.

¹⁰ **Ibid.**

development of a measure for effective use of jurors as part of the Trial Court Performance Measures by the NCSC.¹¹ In addition, there are numerous scholarly articles published on jury management, including entire issues of law reviews devoted to symposiums on jury.¹² Finally, even the establishment of the Center for Jury Studies within the NCSC, which has recently published its State-of-the-States Survey of Jury Improvement Efforts as a component part of its National Jury Program,¹³ is evidence of the key role jury management plays in the field of court administration. For example, in the State-of-the-States Survey, the authors “found it heartening to see how prominent jury operations and practices are in statewide and local court improvement efforts.”¹⁴

However, despite this focus, there was very limited in-depth study of the issues surrounding juror non-respondents or FTAs until the mid to late 1990s when Robert Boatright’s findings were published by the American Judicature Society in Improving Citizen Response to Jury Summonses, a Report with Recommendations in 1998.

Moreover, Boatright’s study remains one of the most significant studies on the issue of juror non-respondents despite the fact that its surveys of jurors were done in only four jurisdictions (three state courts and one federal court). Subsequently, the State-of-the-States Survey of Jury Improvement Efforts, published in 2007, provided national statistics on juror non-response as well as the impact of various types of follow-up programs.¹⁵

¹¹ NCSC, **CourTools: Trial Court Performance Measures**, 2005, number 8.

¹²E.g. Nancy Marder, editor, *Symposium: The Jury at a Crossroad: The American Experience*, 78 **Chicago-Kent Law Review** 3, 2003.

¹³ Gregory E. Mize, Paula Hannaford-Agor and Nicole L. Waters, **The State-of-the-States Survey of Jury Improvement Efforts: A Compendium Report**, NCSC and State Justice Institute, 2007.

¹⁴ **Ibid**, page 42.

¹⁵ **Ibid**.

Much of the jury management literature addressing jury non-respondents recognizes that second summonses or FTA notices are an effective mechanism for addressing non-respondents and do, in fact, increase jury yield. However, other “enforcement” mechanisms, including OSC dockets, are generally ineffective. Although Boatright found that there was a statistically significant relationship between increased follow up and enforcement and increased response rates,¹⁶ the study design did not allow the separation of the results for these two distinct issues. Boatright does indicate, however, that “[t]he fact that there was not a significant relationship between our question on show-cause hearings and change in response rates indicates that this relationship is driven more by changes in follow up procedures than it is by changes in enforcement.”¹⁷

Subsequent studies also have not provided evidence of a strong relationship between enforcement efforts and reduced non-response rates or, more particularly, increased juror yields. In the State-of-the-States Survey of Jury Improvement Efforts, the Center for Jury Studies found that while 80% of the courts responding to the survey “reported some type of follow up program to track down non-responders and FTAs,” few programs had a statistically significant effect.¹⁸ “Only those follow up programs that involved a second summons or qualification, or that involved some other approach (e.g. bench warrant), significantly reduced non-response/FTA rates. OSC hearings and fines had no effect, possibly due to the infrequency with which they are typically imposed.”¹⁹ However,

¹⁶ Boatright, Note 8 *supra*, page 53.

¹⁷ **Loc. Cit.**

¹⁸ Note 13 *supra*, pages 24-25.

¹⁹ **Loc. Cit.**

despite these conclusions, the consensus apparent from both the principles and standards developed and the published studies is that courts should establish policies and procedures for enforcing summonses.²⁰ These types of policies and procedures help to assure the public integrity of a random jury selection process. The Constitution guarantees the right to trial by jury.²¹ Both state and federal courts have developed jury processes that assure that jury pools represent a fair cross section of the particular community from which they are drawn. Policies and procedures for enforcing summonses are a key component in ensuring the public integrity of these systems.

In addition to questionable effectiveness, the literature also recognizes that enforcement steps beyond second summonses or FTA notices tend to be both very time consuming and labor intensive, particularly in light of the expected results. Thus, these enforcement mechanisms are not very cost-effective, particularly for larger urban courts, which tend to expend resources on items that have relatively fixed one-time costs rather than costs that increase as the number of non-respondents increases.²² Because of high per item costs, courts that do take steps to enforce summonses through OSC dockets or other techniques may do so in a limited, but high profile, way in order to get the biggest bang for their buck. Finally, Boatright and others have also noted misgivings, based in part on surveys of court administrators and judges, about the broad-based use of enforcement techniques. These misgivings go beyond the issues of questionable effectiveness and high per item cost. They also include concerns that these efforts can produce negative attitudes toward

²⁰ See ABA, **Principles**, Note 8 **supra**, principle 10 D. 2; Boatright, Note 8 **supra**, page 121.

²¹ U.S. Const. Sec. III, amend. VI and VII.

²² See Boatright, Note 8 **supra**, pages 47-48, 57.

or perceptions of the courts and can result in penalizing individuals who either did not receive their summons or were disqualified or entitled to be excused from serving.²³

Boatright thus recommends “*a selective, careful enforcement policy, coordinated with local media, so that a small number of show-cause warrants are issued and publicized.*”²⁴

Review of Prior Study on Juror Non-Respondents in Jackson County

Similar concerns about the cost and limited effectiveness of enforcement techniques other than second summonses or FTA notices were also noted in Teresa York’s study of juror non-respondents in Jackson County, published in 2001. Her survey of local juror attitudes established that local jurors did not view enforcement mechanisms favorably. These findings led the Jackson County Circuit Court’s former Assistant Court Administrator/Jury Supervisor to conclude that the Court should not pursue an OSC docket at that time. Instead, in her report, Teresa York recommended that the Court focus on other means of improving juror response rates.²⁵

At the time of Teresa York’s study, the FTA rate for the Jackson County Circuit Court was reduced to 11-12 percent with the use of the FTA notices, a rate that compared

²³ See Boatright, Note 8 *supra*, page 121. (Also note that a key determination of the Boatright study was that significant percentages of the individuals initially classified as FTAs were, in fact, probably individuals whose summons never reached them, but was also not returned to the court (probable undeliverables) or individuals to whom summonses were issued, but who are not eligible to serve because they did not meet the statutory qualifications for service (probable disqualifications), see page 66, table 5.6.)

²⁴ *Loc. Cit.*

²⁵ Teresa Steelman, **An Examination of Juror Attitudes and Failure to Appear Patterns in the Circuit Court of Jackson County, Missouri, An Effort to Determine Actionable Remedial Alternatives**, ICM CEDP, Phase III Project, 2001.

favorably with national statistics.²⁶ In addition, there was a recognition that some of the jurors still being accounted for as FTAs were most likely undeliverable summonses, in part because address update software was not consistently being used at the state level as part of the process of creating the Court's master jury pool.²⁷ In her study, Teresa York also found that while Jackson County jurors viewed the value of jury duty favorably, they were, at best, ambivalent towards efforts to assure that everyone served.²⁸ Thus, in the seven years since the last study other efforts directed at outreach and juror comfort (including use of improved parking facilities, as well as efforts to provide better information and more user friendly mechanisms for responding to summonses) have been undertaken by the Jackson County Circuit Court.

In addition to these local efforts, recent changes in Missouri law have resulted in the codification of many jury reforms also previously implemented by the Circuit Court of Jackson County.²⁹ The statutory changes include a two-day/one trial service term, a liberal one-time postponement policy, and a two year exemption following jury service.³⁰ These types of jury reforms are generally among those recommended in the literature on jury reform,³¹ and were promoted by the American Legislative Exchange Council

²⁶ **Ibid**, page 43.

²⁷ While, as recommended in the prior report, the Court has continued to request that the Office of State Court Administrator (OSCA) consistently use address verification software, such as the National Change of Address (NCOA) database available from the postal service, as part of its annual master pool process, OSCA has not been able to do so because of budgetary constraints. OSCA did, however, use NCOA as part of its master pool process during this past year (2007). The impact of this change in process on the number of summonses accounted for as undeliverable as well as on the Court's FTA rate has not yet been assessed.

²⁸ Note 25 **supra**, pages 37, 41.

²⁹ See Senate Bill 1211 (2004) amending Mo. Rev. Stat. 494.400 et seq.

³⁰ Note that the Jackson County Circuit Court currently uses a one day/one trial service term and allows a three year exemption following jury service.

³¹ See Boatright, Note 8 **supra**, pages 121-124; Center for Jury Studies, **Methodology Manual**, Note 8 **supra**.

throughout the United States as part of a package of model legislation, which it termed the “Model Jury Patriotism Act.”³² In addition to the jury reforms noted above, the Missouri Legislature also limited the bases for disqualification and excuse and adopted more stringent documentation requirements for requested excuses in this same legislation.³³ Moves to limit the bases for disqualification and the categories of individuals entitled to seek to be excused are also among the reforms generally recommended in the literature.³⁴

Despite the results of the prior study, subsequent efforts to address this issue through means other than enforcement techniques, as well as the recent legislative changes, the Circuit Court of Jackson County, Missouri consistently experiences a certain level of jurors failing to appear. This experience is not unlike most large urban courts addressed in the literature, and the Court continues to find that its second notice process is an effective mechanism for further reducing its FTA rates. In fact, the Court’s FTA rates compare very favorably with the national FTA statistics published in the State-of-the-States Survey of Jury Improvement Efforts.³⁵ However, the question of whether more can and should be done to address jurors who fail to appear remains. Thus, in an effort to assure equity in the jury processes, the Court again expressed interest in revisiting the issue of the appropriate approach to take with these jurors. The State-of-the-States

³² Victor E. Schwartz, Mark A. Behrens and Cary Silverman, *Safeguarding the Right to a Representative Jury: The Need for Improved Jury Service Laws*, 7 **National Legal Center for the Public Interest** 1, 2003.

³³ See Note 29 **supra**. However, note that some of these limitations were then loosened through further legislative changes passed the following year, see Senate Bill 420 (2005) also amending Mo. Rev. Stat. 494.400 et seq.

³⁴ See Boatright, Note 8 **supra**, pages 121-124; Center for Jury Studies, **Methodology Manual**, Note 8 **supra**; Schwartz, et al., Note 32 **supra**.

³⁵ See Note 13 **supra**, pages 21-22, table 16.

Survey of Jury Improvement Efforts identified at least 39 large urban courts that use OSC dockets. This project looked at the approach taken by some of those courts and attempted to document both the range of practices used by the other courts for their OSC dockets as well as the impact that these dockets and other enforcement techniques have had in those courts. In addition, jurors' attitudes toward jury service, including their attitudes toward enforcement efforts, was reexamined in the Circuit Court of Jackson County, Missouri and compared to the information gathered on jurors' attitudes in the prior study.

METHODS

In planning for this project, two survey instruments were selected or developed for use.³⁶ These instruments were in addition to the literature review, which was completed prior to engaging in the other research. As indicated below, their design was driven, in part, by the literature review. The first instrument was an interview script developed for use with other jury managers. The second was an on-site survey of jurors about their attitudes toward jury service generally, and specifically toward jury service in the Circuit Court of Jackson County, Missouri. This survey was patterned after the juror survey developed and used by Teresa York in her prior study of juror attitudes in the Jackson County Circuit Court.³⁷ Teresa York's survey was, in turn based, in part, on a survey of Florida jurors, and some of the questions asked were identical to that prior survey.³⁸ In addition, the prior Florida survey also addressed attitudes among distinct groups of individuals who were summoned for jury duty, including individuals who "1) were qualified but tried to excuse or postpone their service, 2) had failed to appear to a previous summons, and 3) reported without objections."³⁹ This practice of identifying and surveying individuals in distinct groups was also used in the current study in an effort to assess any differences in the attitudes among different groups of jurors, without relying on jurors' own self-

³⁶ A third survey instrument, a telephone survey of jurors who failed to appear, was abandoned following the pre-test phase of the project due to extremely low response rates. If successful, this third survey would have allowed us to gauge the attitudes and knowledge of individuals who received a summons, but did not appear even after receiving a second notice. In addition, I believed that whether or not we were successful in surveying these individuals, the preparation for this survey would assist us in determining the level of logistical difficulty we might encounter in undertaking an OSC docket or other further enforcement effort with this particular population. We did, in fact, determine that contacting this population would involve a high degree of logistical difficulty.

³⁷ See Note 25 *supra*, appendices.

³⁸ See Note 25 *supra*, pages 17, 32; Susan Carol Losh, Adina Wasserman, Michael A. Wasserman, *Factors Other Than Reluctance to Serve Explain Failure to Appear for Jury Duty*, 83 *Judicature* 6, 2000.

³⁹ See Note 25 *supra*, page 32; Losh, et al., Note 38 *supra*.

reporting of their status. This was done, in part, because Teresa York found that it was problematic to try to obtain this information from questions asked of the jurors.⁴⁰

Questions used in Robert Boatright's juror questionnaires were also used by Teresa York in her study and have, to the extent that her survey has been re-used in this project, been used here as well.⁴¹ Examples of both of the survey instruments ultimately used in this study are included in the appendices.

Impact of Literature Review on Project Plan / Methods Selected

Several aspects of the project plan were impacted by the literature review. First, at the outset of planning this project, one of the questions that I expected to study was the effectiveness of OSC dockets in terms of increased juror yield. However, recognizing the adage best sung by Mick Jagger that "you can't always get what you want, but if you try sometime, yeah, you just might find you get what you need,"⁴² and, in light of my review of the literature in this area, I shifted the focus of the project. I instead studied the approach taken, philosophy toward, and range of practices used by other similar courts that have implemented and have on-going OSC dockets even though they do not demonstrably increase yield. In addition, given the findings of the prior study of juror attitudes within the Circuit Court of Jackson County, I was interested in whether any of the approaches taken or practices used was designed to limit negative perceptions that

⁴⁰ See Note 25 *supra*, page 39.

⁴¹ See Note 25 *supra*, page 17; See Boatright, Note 8 *supra*.

⁴² Sir Michael Phillip "Mick" Jagger and Keith Richards, *You Can't Always Get What You Want*, on **Let it Bleed**, Ahkco Music Inc., 1969.

might otherwise be generated through the use of an OSC docket or other enforcement techniques.

Second, as more fully set forth below, several changes to the design of the primary survey instrument were made in an effort to more effectively gauge the reactions of individuals later identified in this report as “reluctant jurors.” This was done both because the difficulty of measuring the attitudes of individuals who do not respond to a jury summons was clearly recognized in the literature, and because of the concern expressed by Teresa York about the techniques used to obtain responses from this population in her prior study. As noted above, efforts to locate and survey non-respondents can also be both labor intensive and ineffective, particularly in jurisdictions where phone numbers are not part of the jury database. In one-step courts like the Circuit Court of Jackson County, which use a combined summons and qualification form, phone numbers are often not available to jury staff members until jurors appear, and then are only collected for individuals actually being placed on a panel and going through the jury selection process.

Finally, we recognized that if non-respondents could be reached, these individuals might be reluctant to participate in a survey because they were concerned about the legal ramifications of their non-response. We were successful in including individuals later identified in this report as “reluctant jurors” in our survey groups, including both individuals who had sought and been denied an excuse, as well as individuals who

initially failed to appear. However, ultimately every juror surveyed had appeared and was at least in the process of completing their service.

Interviews with Jury Managers or Jury Commissioners

With respect to the interview script used to conduct interviews with jury managers from other courts, the initial plan was to select four to six other large urban courts with active OSC dockets, preferably with OSC dockets that had been relatively recently implemented. Ultimately, three large urban courts (San Joaquin County, California, Lake County Illinois, and Essex Vicinage, New Jersey) and the State of Massachusetts, which has a statewide OSC program, were selected to participate in this aspect of the study. The courts selected were identified based, in part, upon information provided to the NCSC as part of its recently completed State-of-the-States Survey of Jury Improvement Efforts. The focus of the interviews was on studying the approach taken by the selected courts toward enforcement efforts and on gathering information from which the range of practices used by these courts for their OSC dockets could be documented. Information on other techniques used by these courts to address non-respondents to jury summonses was also obtained. The purpose of these interviews was not to obtain data for purposes of statistical comparison, and the limited number of interviews conducted reflects that. Instead, this method was used to try to gain a better understanding of the philosophy toward, decision process undertaken, and experiences of other similar courts that have implemented OSC dockets. I then hoped to use the information when I revisited the issue of whether to implement such a docket or undertake other enforcement efforts in the Circuit Court of Jackson County, Missouri.

I personally conducted each of the interviews with the other jury managers. The interviews were conducted by telephone during November and December 2007. Prior to the scheduled interviews, significant efforts to both select and obtain the agreement of the courts and individuals to be interviewed were undertaken. These initial efforts were viewed as critical to this part of the project plan both because I expected that the initial interviews would be somewhat lengthy, and because I expected that I might need to ask follow up questions either by telephone or e-mail. My hope was that by using this approach, the individuals who were involved in this part of the study would continue to be available and willing to participate until the conclusion of the project (and beyond) if necessary. I also pre-tested the survey instrument with two other members of my CEDP class with jury management experience prior to the interviews.

I initially scheduled the interviews with each of the individuals who had agreed to participate by telephone. I then sent a confirming e-mail with an electronic copy of the interview instrument to allow those being interviewed to see the script I was working from in advance of the interview.⁴³ My intent was not to have them complete the form in advance, but to at least be somewhat familiar with the types of questions I would be asking or areas I would be touching on in order to facilitate the interview process. In pre-testing the instrument with my CEDP classmates, I had determined that this was helpful to them. In addition, some of the questions asked dealt with things like the size and population of the geographic area the courts represented served. I expected that these

⁴³ A copy of the jury manager interview instrument utilized for this study is included as appendix C.

might not necessarily be figures that the individuals being interviewed would be able to provide without reviewing census or other similar data sources in advance of the interviews.

As expected, each of the interviews took over an hour. I took notes during the interviews and then, following each interview, I compiled the information gathered during the interview, filling in the interview form from my handwritten notes so that I would be able to more readily compare the information received from each of the jurisdictions. In addition to the information gathered during the interviews, each of the individuals interviewed also provided me with either electronic and/or physical copies of additional information, documentation, and forms following the interviews. A copy of the summons form used by the Jackson County Circuit Court, as well as copies of the summonses used by these other jurisdictions, are included as appendix E and appendices F-I, respectively.

On-Site Surveys of Individuals Appearing for Jury Service

With respect to the survey instrument used to gauge juror attitudes among prospective jurors appearing for service, the survey was conducted at the Kansas City location of the Jackson County Circuit Court during the months of September and October 2007. The prospective jurors surveyed included the jurors appearing on four separate dates, and because the population surveyed included all jurors appearing on those dates, it was comprised of three to four distinct groups. These groups included:

- 1) prospective jurors who appeared in response to their initial summons without seeking to be excused or postponed;
- 2) prospective jurors who appeared in response to their summons after seeking to be excused and having their request denied;
- 3) prospective jurors who appeared only after receiving an FTA notice; and, finally,
- 4) prospective jurors who were previously postponed.⁴⁴

The dates selected for the juror surveys were September 17th, October 1st, October 9th, and October 15th, all of which represented the first business day of the week. Three of the four were Mondays, but because of the Columbus Day holiday, one (October 9th) was a Tuesday. The first business day of the week was the day selected because it is both the day of the week that the largest number of prospective jurors consistently appears, and because all of the groups described above are typically represented.

The survey form used was based in large part on the survey form utilized by Teresa York during her study, and, as set forth in the literature review section, incorporated a number of questions from other prior surveys. As a result, in addition to comparisons between the distinct groups surveyed, a time series gauging any changes in juror attitudes since

⁴⁴ Because the Court has historically had a liberal practice of granting a first request for postponement and this practice has now been mandated by statute, there was some question about whether the final group, consisting of previously postponed jurors, should be separated from the first group. However, because it was thought that these individuals could have views distinct from the first group, they were identified and their responses were analyzed separately, at least initially. One of the bases for the belief that this group might be distinct from the first group was the view that these might be individuals who were more knowledgeable about the Court's practices since they were aware that a postponement could be granted. Another basis for this belief was that some of the individuals who had been postponed might be individuals who sought to be excused, whose request was denied either because they were ineligible or did not provide sufficient supporting documentation, and who were postponed instead.

the last survey was also completed. While completing the survey was voluntary, all prospective jurors appearing on the four designated dates were encouraged to participate, and every effort was made to distribute and collect all of the surveys prior to any of the prospective jurors leaving the jury assembly room.

Initially, the plan was to identify a random sample of individuals falling into each of the distinct groups when they first reported for jury service on the designated date by using the Court's automated Jury Management System (JMS), and to provide them with the appropriate version of the survey based upon the group they fell into. The survey forms for each group were initially designed to be identical except for a discreet form designation used to indicate which distinct group the prospective juror fell into. This approach would have required a significant amount of work on the part of the jury room staff to identify the jurors in each group and to distribute the proper version of the form to each one, and would have been very time consuming. The result would have been a much smaller initial sample size, rather than, in effect, a sample of the whole. This approach might have also impacted our ability to both distribute and have all of the surveys returned before any jurors left the jury room. Because we expected that anyone leaving the jury room without having completed the survey would be significantly less likely to complete and return it, this would have further negatively impacted the number of completed surveys.

A simpler process was developed, which instead involved asking the prospective jurors to fill in their juror badge number on the survey form. This allowed members of the jury

room staff to look up the numbers in JMS after the prospective jurors turned in the surveys and to determine/record their status at that time. The survey was also simplified to assure that it would fit on a single sheet front and back in an effort to make the task of completing it seem less time-consuming or onerous, and to avoid any issues with additional pages being separated. In addition, any questions about prior jury service, as well as questions about requests to be postponed or excused were removed. This was done for two reasons. First, a significant number of the jurors in the prior survey were either unable or unwilling to answer these questions, and one of the suggestions made in the prior report was that a different process might yield a larger sample. Second, I was concerned that these types of questions might make prospective jurors, particularly the ones who were more reluctant to serve in the first instance, less willing to complete the survey. Finally, the surveys were printed on brightly colored paper to enable the jury room staff to easily identify any surveys that got mixed in with any of the other paperwork regularly distributed to jurors on our jury days or to locate any surveys left in the jury room as jurors were moved through the process.

The simplified survey and less complex process were pre-tested during the month of August 2007 using the entire population of jurors appearing on Monday, August 13. The questionnaires were distributed following the initial orientation of the jurors, which consists of opening remarks that I make and a juror orientation video. Once the surveys were distributed, efforts were made to collect the questionnaires not only before any panels were called or sent to other locations in the courthouse, but also before the jurors were given a break or otherwise allowed to leave the jury assembly room for other

reasons. A report of all appearing jurors was run mid-day, so that a comparison could be made between those who appeared and those who completed the survey in order to track response rates across each of the various groups. The timing of when this report was run was changed to earlier in the day following the pre-test to better capture this information with less effort on the part of the jury room staff. Once it was determined that a sufficient number of jurors from each group responded during the pre-test, we proceeded using the simpler, modified process.

We did, however, make a couple of additional adjustments to the survey form following the pre-test. First, we asked the jurors participating in the pre-test to provide feedback on the form. Second, we analyzed the survey forms filled out by those who participated in the pre-test. Based upon both direct feedback and our review of the forms, we made modifications where it appeared that the form could be made more understandable or “user-friendly”. For example, one question contained an instruction directing respondents to answer the particular question only if they were not paid by their employers while serving jury duty. Although our intent was that the instruction apply only to that one question, we found that a significant number of the respondents in the pre-test who did not answer that question also did not answer subsequent questions. By moving that particular question, and the accompanying instruction, down to the end of that section of the survey, we were able to avoid a similar misunderstanding when the survey was administered.

Prior to completing the pre-test, we expected that the sample size for at least one group, the prior FTAs, could be significantly smaller than the others. This concern arose from the fact that our FTA letters give each previously non-reporting juror the option of reporting on one of two additional dates in order to cure their FTA. These additional dates are usually Mondays (unless we have a Monday holiday) but on any given jury day, generally fewer than 10% of the individuals present fit into this category. Thus, we expected that as few as 15-20 surveys from individuals in this group would be collected each week even if we had close to a 100% response rate within this group. We also were concerned that the response rate for this particular group might be lower than for the other groups because of their status as prior FTAs. Ultimately, however, we had a good response rate from all of the groups, including prior FTAs. [Figure 1]

As indicated above, the survey was administered and the data was collected on three separate Mondays and one Tuesday in September and October. The individuals involved in the data collection included me and the two other regular staff members of the jury room in the Kansas City courthouse, Heather Meinershagen and Yvonne Fields, the Assistant Jury Supervisor and Jury Clerk, respectively. Although within the dates selected (September 17th, October 1st, October 9th, and October 15th), there was a one week gap between the first week the survey was administered and the subsequent three weeks it was administered, no actual jury weeks during the survey period were skipped. Instead, this gap represented the week of the annual Missouri Bar/Judicial Conference. Because all of the judges on the Court are required to attend this conference each year, the week of the conference is one of only three weeks each year that are designated as

non-jury weeks.⁴⁵ The administration of the survey was scheduled taking into account this gap so that if any modifications to the process or survey were required following the first week, those changes could be made during the non-jury week before the survey was again administered the subsequent three weeks.

A copy of the juror survey form utilized for this study is included as appendix D. The fields designed to be completed by prospective jurors are contained in two separate sections seeking their opinions and their demographic information. In seeking juror opinions, we sought their views on a variety of different topics related to jury service. The topics ranged from their views on the value of jury duty,⁴⁶ on the importance of the role of the citizen juror,⁴⁷ on whether certain individuals should be excused from jury duty,⁴⁸ to whether there should be alternatives to jury duty or penalties for failing to appear.⁴⁹ Finally, we sought jurors' views on their experience being summoned for and appearing for service in the Jackson County Circuit Court.⁵⁰

In addition, the survey form also included a section containing three fields designed to be completed by a member of the jury room staff. Following administration and collection of the surveys, the surveys were checked for completeness, and, particularly, to see if the juror identification number had been filled in as requested. The juror identification number for each juror completing the survey was looked up in JMS and both the juror's

⁴⁵ The other two designated non-jury weeks for the Court are the week of Thanksgiving and the week that the Christmas holiday falls.

⁴⁶ See question nos. 1, 4, 6, and 10.

⁴⁷ See question nos. 9, 14, and 15.

⁴⁸ See question nos. 5, 7, and 16.

⁴⁹ See questions nos. 17, 18, 19, 20, and 24.

⁵⁰ See question nos. 3, 12, 13, 26, and 27.

zip code and juror status were captured and recorded on the survey form in the fields labeled “zip” and “initials” respectively. The survey forms were also designed to capture the date the prospective juror appeared and completed the survey so that the data could be sorted by date if necessary. This date field was the third field completed by a member of the jury room staff. Following the individual look-ups based upon the juror identification numbers and the completion of each form by a member of the jury room staff, each survey form was data entered into a Microsoft Excel spreadsheet containing all of the fields on the survey form. While the juror identification number field was used only for purposes of capturing the information to fill in the zip code and status fields described above, it was also data-entered in the Excel spreadsheet. Although the data was entered into the spreadsheet on a weekly basis as the surveys were administered, and an initial review was completed to assure that we were continuing to get a good response rate, analysis of the data was not done until following the administration of all of the surveys. The overall response rate for the surveys for all four weeks was over 92%. [Figure 1]

The data was compiled and analyzed using the Microsoft Excel program, with the primary manipulation and presentation of the data completed by the Court’s Management Analyst, Mary Cullom. With Mary’s assistance, I was able to identify significant trends in the data and to focus my analysis on those areas where there appeared to be distinctions between different groups based upon either demographic or status differences. In addition, by comparing the findings and conclusions from Teresa York’s prior study contained in her report, I was able to do a limited longitudinal analysis, comparing current juror attitudes to those captured in 2000 and reported in 2001.

Survey Date	9/17/2007	10/1/2007	10/9/2007	10/15/2007	TOTALS
Total Jurors Reporting	207	225	245	196	873
Total Jurors Responding	190 (92%)	209 (93%)	231 (94%)	180 (92%)	810 (93%)
Regular Status	124 (60%)	143 (64%)	137 (56%)	106 (54%)	510 (58%)
Prior Post-ponement	28 (14%)	37 (16%)	47 (19%)	31 (16%)	143 (16%)
Prior FTA	9 (4%)	10 (4%)	20 (8%)	11 (6%)	50 (6%)
Sought to be Excused	16 (8%)	12 (5%)	15 (6%)	9 (5%)	52 (6%)
Multiple Status	13 (6%)	7 (3%)	12 (5%)	23 (12%)	55 (6%)

Figure 1

FINDINGS

Jury Manager Interviews

The interviews of jury managers from other jurisdictions yielded a wealth of interesting and useful information. The range of practices documented was fairly significant, but the objective of each of the OSC programs was similar. The primary goal of every court bringing individuals in pursuant to an OSC that I studied was to establish an additional date for those jurors to complete their service, and, of course, to follow up to assure that the juror did, in fact, comply. Other penalties imposed, if any, were clearly secondary. As noted above, I conducted interviews of representatives of three general jurisdiction courts in large urban areas and of one statewide program. A table comparing key attributes for each of the jurisdictions whose representatives I interviewed to those same attributes for the Jackson County Circuit Court is included [Figure 2], and a more detailed description of each jurisdiction studied and the individual program(s) implemented in that jurisdiction is set forth below.

i. San Joaquin County, California

The first jurisdiction studied was the San Joaquin County, California Superior Court, which serves a county of just under 1,400 square miles with a population of roughly 673,000. Jurors are summoned to three physical locations, including the county seat of Stockton and two branch locations. California has a statewide one day/one trial system and the San Joaquin County Superior Court uses a one-step jury call system to summon its jurors. Summonses are issued to 13,600 jurors each month, with 2,400 of those

actually reporting. Jurors are sent a summons designating a one-week period during which they are directed to be available to serve. They are then instructed to call in after 5:00 p.m. on the evening preceding each business day of that week for reporting instructions for the following day. Jurors actually report only if directed to do so through the call in system.

The court uses an automated jury software system purchased from the vendor Jury Systems, Inc. (JSI) and utilizes the system for a significant amount of reporting, including tracking their yield and FTAs. The court has employed a compliance program to improve its response rates, including an OSC docket for more than five years. The stated focus of the program is on “achieving compliance and providing education about jury service.”⁵¹ The program currently in place was first implemented in 1999 at the impetus of a particular judge and all cases on the OSC docket continue to be regularly heard by that same judge. The materials for the program, including a number of notices and other document templates are available on a CD-ROM, which is updated periodically.⁵²

The compliance program includes an initial postcard sent as a reminder followed by a series of letters. The postcard and letters are directed to jurors in FTA status beginning the week following a non-appearance, each giving the juror 30 days to comply by appearing for jury duty and/or otherwise respond. Progressively stronger language is used in each notice. For example, the second letter is titled “Final Warning” and states

⁵¹ San Joaquin County Superior Court, **Jury Service Compliance and Education Program**, April 2002, Revised August 2005 (available on CD-ROM from the San Joaquin County Superior Court).

⁵² **Loc.Cit.**

the maximum amount of the fine the juror could be subject to. It also advises that an OSC will be issued if the juror continues to fail to respond. The OSC is issued approximately 120 days following the non-appearance. The initial postcard and series of letters are sent to all jurors in FTA status as of the time each particular notice is sent. However, at the point at which the OSC docket is to be established for a particular week for which jurors are still in FTA status, a random list of the jurors still in FTA status is run and normally only the top 10 on that list receive an OSC. The OSCs are personally served by the sheriff and an OSC docket is held twice each month, with approximately 20 cases on the docket. Periodically a “sweep” of jurors who failed to appear is conducted. For these sweeps, a greater number of jurors are selected to receive an OSC and a larger docket is held.

Fines of up to \$2,000 are allowed, with the most common fine imposed being \$350, according to the Deputy Jury Commissioner. While incarceration is not a penalty imposed, the judge who conducts the docket does issue bench warrants for jurors who were personally served with an OSC who do not appear. Again, according to the Deputy Jury Commissioner, generally this is done only after a further letter is sent. At the OSC docket, a new jury service date is established for all jurors appearing before the judge unless they demonstrate that they are ineligible to serve. The new service date is normally within one month of their appearance before the judge.

ii. Lake County, Illinois

The second jurisdiction studied was the Lake County, Illinois Circuit Court, also known as the 19th Judicial Circuit Court, which serves a county of just under 1,370 square miles with a population of just over 713,000. Jurors are summoned to only one physical location, which is in the very eastern part of the county. The Lake County Circuit Court uses a one-step jury call system to summon its jurors. Summonses are issued to 1,600 jurors each month with approximately 625 of those actually appearing. Jurors are sent a summons designating a one-week period during which they are directed to be available to serve. They are then instructed to call in after 4:30 p.m. on the preceding Friday for initial reporting instructions, and to call back on Monday at 11:15 a.m. and again at 4:30 p.m. if not directed to report Monday morning. Through this call-in system, the court directs some jurors to report Monday morning, others to report Monday afternoon, and others to report Tuesday morning. Using this call-in system, the court also has the ability to call off jurors after they are summoned if they are not needed, but generally only calls off jurors during holiday weeks. Thus the jurors called off represent fewer than 150 jurors each year.

Like the San Joaquin County Superior Court, the Lake County Circuit Court uses an automated jury software system purchased from JSI. However, much of the reporting done, including tracking their yield and FTAs, is done through separate reporting mechanisms rather than through system-generated reports. The court currently enters the information from juror questionnaires by hand, but is moving to forms that can be scanned. The data captured includes not only information needed to determine if a juror

is qualified, but also information used in voir dire. The court has employed a compliance program to improve its response rates, including an OSC docket, for more than five years.

The compliance program includes a series of additional summonses directed to jurors in FTA status, which are sent out beginning the week following a non-appearance. Each new summons provides the juror with an additional date certain on which to appear. The date for which the juror is re-summoned is always a Monday. Simultaneous with these additional summonses, the juror is also sent or served with a series of additional communications. The first such communication is an FTA letter mailed via regular mail if the juror previously submitted his or her profile and questionnaire in response to the summons and via certified mail if the juror previously did not submit his or her profile and questionnaire. Following the FTA letter, the juror is mailed a copy of a Petition for Rule to Show Cause (RTSC)⁵³ approximately 60 days following the non-appearance, which is, in turn, followed by a copy of the same petition personally served by a civil process deputy.

The court dates set for the hearings on the RTSC proceedings are always the Friday of the same week for which the juror received a summons directing them to appear on Monday. The summons dates and hearing dates are timed in this way so that if a juror does appear and cures his or her FTA, or otherwise demonstrates that he or she is ineligible or entitled to be excused, the petition can be withdrawn prior to or on the date of the hearing.

⁵³ The RTSC in Illinois is a miscellaneous remedy action, and appears to be the equivalent of an OSC in other jurisdictions.

Likewise if a juror reschedules his or her jury service, the hearing can be continued until the jury service is, in fact, complete. The goal of the compliance program is to assure service, and, as a result, the Jury Coordinator continues to have the authority to reschedule a juror's service by agreement with the juror in an effort to resolve the matter up to the time of the juror's appearance before the judge.

These additional summonses and the other communications sent or served simultaneously are sent to every juror in FTA status, including both those who have responded to the initial summons as well as those who have not, unless the summons was returned as undeliverable.⁵⁴ Once the RTSC action is filed, the process is designed to continue until the petition is resolved through a hearing or withdrawn. The Jury Coordinator did acknowledge, however, that because service of the RTSC is not a high priority for the civil process deputies, while the actions against all jurors still in FTA status continue to be pursued, personal service may not be achieved in a significant number of the cases or may take a significant amount of time.

While the Jury Coordinator reported that fines of up to \$1,000 are allowed, she noted that she had rarely, if ever, seen a judge impose a fine. She also indicated that she could recall only one instance in which a judge ordered incarceration, and she noted that in that instance as the juror was being taken into custody he finally agreed to serve and the order was vacated. She also noted, however, that if a juror has been personally served with the RTSC and fails to appear, the judges handling the docket will issue a body attachment.

⁵⁴ The only exception to this is that jurors over the age of 70, because they are entitled to be excused upon request, do not receive any additional summonses or communications beyond the initial summons.

While other penalties are rare, at the RTSC docket, a new jury service date, generally within four weeks of the docket, is established for all jurors appearing before the judge, unless they demonstrate that they are ineligible to serve.

iii. Essex Vicinage, New Jersey

The third large urban court studied was the Essex Vicinage Superior Court, which serves Essex County, New Jersey. Essex County is a county of 127 square miles with a population of approximately 790,000. Jurors are summoned to a single location using a one-step jury call system six weeks in advance of their service date. Summonses are issued to approximately 12,000 jurors each month, with an average of 2,800 of those actually reporting. The summons advises jurors that the court uses a two day/one trial system. Jurors are also directed to return an enclosed qualification form within 10 days of receipt of the summons, and, as set forth below, the court tracks the return of the qualification questionnaire, treating those who do not return it as failures to respond. Jurors are summoned for a date certain and are instructed to call in the preceding evening for reporting instructions.

The court uses an automated jury software system. The system is a commercial product called the Jury Automated System (JAS), however, according to the Jury Manager and the Assistant Criminal Division Manager for the court, the software is currently maintained by the Administrative Office of the Court (AOC) for the State of New Jersey. In addition to JAS, the Jury Manager utilizes both Access reports and Excel spreadsheets

to provide a significant amount of reporting designed to both meet the needs of the court as well as AOC requirements for purposes of a statewide ranking system.

The court employs a compliance program, including an OSC docket, further developed within the last three years to improve its response rates. The program currently in place was first implemented by the prior Jury Manager, Dr. Giuseppe Fazari, as a year-long pilot project begun in 2005 and completed in 2006. The program differs from others studied in that it distinguishes between those jurors who never respond to their initial summons, classifying them as failures to respond (FTR jurors) and those who respond to their initial summons, but then fail to appear (FTA jurors). After the efficacy of the compliance program was demonstrated through the pilot project, particularly as it was directed to FTA jurors, the program was subsequently continued for 100% of FTA jurors with a smaller percentage of FTR jurors included at periodic intervals each year. Another hallmark of this particular compliance program is the high level of empirical data available about the program and its impact, and the degree to which the decision to implement and continue the program is based upon that data as opposed to other more subjective bases.

For FTA jurors, the pilot project established a practice of postponing the juror's date of service up to two times following an initial and subsequent FTA on the scheduled dates, and then scheduling an OSC hearing if the juror failed to appear a third time. This results in the OSC generally being issued from three to six months following the initial non-appearance. The initial communication to an FTA juror concerning the postponement of

his or her service date occurs by telephone if the juror can be reached by telephone. Otherwise a letter on court letterhead is sent. The second communication concerning the postponement of a juror's service date must be in writing on court letterhead.

For FTR jurors, the pilot project established a practice of sending two postcards two and four weeks, respectively, following the date that a summons was initially issued to a prospective juror. Subsequently, FTR jurors whose status was unchanged on the scheduled jury service date were scheduled for an OSC hearing.

For both FTA and FTR jurors, the orders to appear for the OSC hearings are mailed via regular and certified mail, with civil warrants issued by the court, and personal service undertaken only with respect to those jurors who fail to appear for the OSC hearing following this mailing. As with the RTSC petitions in Lake County, Illinois, service of these warrants is not a high priority for the sheriff's department and the time for service may be protracted. Thus, a significant number of them remained pending at the conclusion of Dr. Fazari's study.

During the pilot project, all FTA jurors were subject to the compliance program. As noted above, the recommendation following the pilot program was that all FTA jurors continue to be included in the on-going compliance program, and that no changes be made to the program. The court has continued to follow that recommendation. However, for FTR jurors, during the pilot project two specific service dates were selected for purposes of monitoring these jurors. Despite, the limited number of FTR jurors tracked

during the pilot project, the labor intensive nature of tracking and pursuing FTR jurors was recognized. As a result, among the recommendations made at the conclusion of the pilot project was a recommendation that one rather than two separate postcards be sent to FTR jurors and that it be sent between three and four weeks following the summons. It was also recognized that OSC hearings could not be held for all FTR jurors. The current practice is to send only one postcard and to select only one date per session (three per year) to track and pursue FTR jurors through the entire compliance process, including scheduling an OSC hearing.

Fines of up to \$500 are allowed under the New Jersey statutes related to both FTA and FTR jurors, however, during the pilot project only 1% of the FTR jurors who were scheduled for an OSC hearing were fined, while 35% of the FTA jurors scheduled for an OSC hearing were fined, with the average fine being slightly more than \$215. At the OSC docket, a new jury service date is established for all jurors appearing before the judge unless they demonstrate that they are ineligible to serve.

iv. State of Massachusetts

The final jurisdiction studied was the State of Massachusetts, which has a statewide jury compliance program administered from the state's Office of Jury Commissioner (OJC), which is a department within the judicial branch, under the control of the Department of the Supreme Judicial Court. Massachusetts is a state with a population of six million. Jurors are summoned to 66 physical locations in 14 judicial districts, most of which represent a single county. In a couple of the judicial districts, jurors are summoned to

only one location, but most have multiple locations to which jurors are summoned. Massachusetts was the first state to implement a statewide one day/one trial system,⁵⁵ and uses a one-step jury call system to summon its jurors. Statewide, approximately 20,000 jurors are summoned each week and 5,000 report. Although all summoning of jurors is done at the statewide level, a call-in system for cancellations remains in place at the local level, so individual courts can call off jurors prior to having them report if they are not needed.

The state uses an automated jury software system purchased from the same vendor that both San Joaquin County, California and Lake County, Illinois use, JSI. However their Jury Commissioner did note that the version they use, JSI NextGen, had to have a significant amount of customization to meet their needs when it was implemented. The state had previously used an in-house system and the current system was rolled out county by county beginning in 2005 and culminating in 2006. The system is used not only to provide reporting on a statewide basis, but is also utilized to track juror information on an individual court and even individual judge basis, allowing tracking of what happens with jurors summoned and sent to courts and courtrooms throughout the state.

The state employs a well-publicized compliance program known as the Delinquent Juror Prosecution Program (DJPP), which includes an OSC docket. The program has been in

⁵⁵ Massachusetts Office of Jury Commissioner, **About the Massachusetts Jury System**, <http://www.mass.gov/courts/jury/introduc.htm> at page 1. Massachusetts' one day/one trial system was implemented in 1977 as a pilot program in one county, and expanded to encompass the entire state by 1982.

place for over 10 years, and has a stated dual purposes of “achiev[ing] a higher juror yield and maintain[ing] a diverse jury pool.”⁵⁶ The program was initially implemented only in certain judicial districts with the highest delinquency rates, but, over time, has been expanded to include all of the judicial districts in the state.

The compliance program includes an initial FTA notice sent by first-class mail to every person summoned for jury duty within the state who fails to appear.⁵⁷ These FTA notices were not part of the program when it was initially implemented in the mid-1990s, but were developed later because they were less onerous than a delinquency notice, and generally could be sent closer in time to when the juror first fails to appear. The second step in the process is a delinquency notice. These notices are sent not only to individuals who fail to appear, but are also sent to individuals who appear, but who do not complete their service. The Jury Commissioner explained that although the delinquency notices can be sent beginning as early as 30 days following the date on which the juror failed to appear, in practice, they are not sent until the OJC is ready to begin the full process of prosecuting individuals for their FTA in a particular judicial district. In some areas, this might be as infrequently as every couple of years. The delinquency notice triggers other actions, including an application for criminal complaint and an OSC hearing, ultimately culminating with the issuance of the criminal complaint. The application for criminal complaint and OSC hearing are scheduled approximately 30 and 45-50 days, respectively, after the delinquency notice. The OJC has an in-house legal department that

⁵⁶ Massachusetts Office of Jury Commissioner, **Failure to Appear for Juror Service**, <http://www.mass.gov/courts/jury/failure.htm> at page 1.

⁵⁷ The only exception to this is that, like Lake County, Illinois, jurors over the age of 70 do not receive any additional notices beyond the initial summons because they are entitled to be excused upon request.

handles the delinquency actions from the point of the issuance of the delinquency notice up to the issuance of the criminal complaint at which point the actions are handled by a local district attorney. Strict timeframes are established for each action in the compliance program following the delinquency notice, and once the delinquency notice is sent, the process is designed to continue until the criminal complaint is resolved through a hearing or trial or is withdrawn. However, the OJC retains the ability to resolve the matter if, at any point during the process, the juror indicates a willingness to complete his or her jury obligation or provides evidence of disqualification. Generally, the only point at which the juror cannot resolve the matter with the OJC is in instances where a warrant has been issued for the juror's arrest as a result of the juror's failure to appear in court for the arraignment on the criminal complaint. In this limited circumstance, the juror generally must resolve the warrant with the court that issued it.

Fines of up to \$2,000 are allowed under the statute, but the Jury Commissioner was not aware of the range normally imposed, if any, since once the criminal complaint is issued, the cases are handled by the district attorney for the judicial district in which the case is filed rather than by legal counsel from the OJC. The Jury Commissioner did indicate, however, that new service dates are established for all jurors subject to the compliance program either as a result of the juror reaching an agreement to serve with the OJC or through a court order. The Jury Commissioner also indicated that once the matter reaches the OSC stage, jurors are given only a two-week period within which to complete their jury obligation in order to assure that the strict time frames previously mentioned can be maintained.

JURISDICTION	Population Served Square Miles Within Jurisdiction	Innovations in Place to Improve Processes for Summoning and Utilizing Jurors	Summonses Issued Jurors Serving	Annual Jury Trials
San Joaquin County, California Superior Court	675,000 (Pop.) 1400 (Sq. Miles)	One Day/One Trial One Step Summons for One Week Period	13,600/mo. 2400/mo.	180
Lake County, Illinois Circuit Court	713,000 (Pop.) 1370 (Sq. Miles)	One Step Summons for One Week Period	1600/mo. 625/mo.	240
Essex Vicinage, New Jersey Superior Court	790,000 (Pop.) 127 (Sq. Miles)	Two Day/One Trial One Step Summons for Date Certain	11,900/mo. 2800/mo.	400
Massachusetts Trial Court System	6 million (Pop.)	One Day/One Trial One Step Summons	85,000/mo. 21,250/mo.	5000
Jackson County, Missouri Circuit Court	665,000 (Pop.) 600 (Sq. Miles)	One Day/One Trial One Step Summons for Date Certain	5300/mo. 1460/mo.	200

Figure 2

Juror Surveys

Like the prior study done in the Jackson County Circuit Court by Teresa York and studies in other jurisdictions, the juror survey component of this study reaffirmed that jurors still hold a strong belief in the value of jury service [Figure 3] as well a strong view of the importance of the role of the citizen juror [Figure 4]. However, as also found in the prior local study, jurors are less concerned about assuring that everyone serves than might be expected [Figure 5]. Their reactions to allowing alternatives to jury duty generally are in the neutral to positive ranges, while their reactions to imposing penalties on those who do not serve, except for fines, generally are in the neutral to negative ranges [Figure 6]. Finally, as expected, jurors serving in Circuit Court of Jackson County continue to have concerns about the jury experience in terms of the burdens placed on them when they are required to report for jury service [Figure 7]. These burdens include low pay, uncompensated parking until an individual is actually selected to hear a particular case, and the general hassle of driving in a large metropolitan area.

The Jackson County Circuit Court has made some progress in addressing some of the cost and inconvenience issues associated with jury service, and has also worked to provide better facilities and greater access to information about jury service in Jackson County. However, addressing those issues that would require significant monetary outlays, such as increasing juror pay or providing parking for all summoned jurors, simply remains beyond the Court's budgetary means.

<i>Statement</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>1. Jury duty is a waste of time.</i>	52% (421)	21% (170)	18% (141)	4% (33)	5% (39)
<i>4. Jury represents public's voice.</i>	5% (38)	4% (31)	19% (152)	32% (260)	41% (329)
<i>6. Jury duty is important civic duty.</i>	5% (42)	2% (20)	18% (146)	27% (216)	48% (386)
<i>10. Can learn from jury duty experience</i>	8% (65)	4% (30)	24% (193)	36% (291)	28% (229)

Figure 3

<i>Statement</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>9. Professional jurors should replace citizens serving on jury duty.</i>	47% (383)	15% (123)	22% (181)	6% (52)	9% (69)
<i>14. Jurors rather than judges alone are more likely to reach fair verdict.</i>	4% (35)	7% (57)	39% (311)	26% (209)	24% (195)
<i>15. Judges rather than juries are more likely to reach a fair verdict.</i>	19% (154)	24% (195)	44% (355)	9% (70)	4% (32)

Figure 4

<i>Statement</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>5. Certain professions should be excused from jury duty.</i>	32% (256)	14% (117)	22% (179)	12% (94)	20% (164)
<i>7. No one should be excused from jury duty.</i>	40% (321)	22% (181)	21% (173)	8% (65)	9% (70)
<i>16. Too many try to be excused from jury duty.</i>	5% (43)	6% (45)	57% (461)	19% (156)	12% (98)

Figure 5

<i>Statement</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>17. Should be alternatives to jury duty.</i>	11% (92)	12% (98)	50% (407)	14% (110)	12% (99)
<i>18. People who do not appear for jury duty should be fined.</i>	17% (135)	8% (65)	28% (220)	26% (204)	22% (175)
<i>19. People who do not appear for jury duty should be required to perform community service.</i>	20% (160)	11% (87)	32% (257)	22% (176)	15% (119)
<i>20. People who do not appear for jury duty should be jailed.</i>	61% (487)	20% (160)	15% (117)	2% (15)	2% (19)

Figure 6

<i>Statement</i>	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>
<i>12. Amount paid to jurors by Jackson County is satisfactory.</i>	63% (506)	11% (87)	19% (152)	3% (27)	4% (36)
<i>13. Free parking should be available to all jurors.</i>	4% (30)	1% (10)	8% (66)	11% (89)	76% (613)
<i>26. Don't like driving in/to downtown Kansas City.</i>	10% (77)	10% (76)	27% (218)	16% (131)	37% (297)
<i>27. Jackson County should provide childcare for jurors needing it.</i>	12% (97)	8% (63)	36% (284)	18% (142)	27% (214)
<i>28. Jackson County should pay regular salary to jurors.</i>	13% (40)	6% (20)	19% (60)	11% (34)	50% (154)

Figure 7

i. Demographic Comparisons

The study also allowed for some demographic comparisons and yielded some interesting data. For example, while both men and women held a strong belief in the value of jury duty, women tended to value jury duty even more highly than men [Figure 8]. Younger jurors, including not only the youngest jurors (ages 21-35), but also jurors in the middle age group (ages 36-55) were somewhat more likely to believe there should be alternatives to jury duty and significantly more likely to state that they disliked the idea of having to miss work or school for jury duty [Figure 9]. Of course, both of these results could be attributable to the fact that these age groups are more likely to still be in the educational system or workforce. Finally, among those with differing educational levels, there were also some interesting, and perhaps somewhat counter-intuitive results. While there was a clear trend that those with more education were less likely to view jury service as a waste of time [Figure 10], the same trend was not evident for other questions designed to gauge jurors' views of the value of jury duty. For example on two other questions asking whether the respondents viewed jury duty as an important civic duty and about the possibility that they would learn from the experience of jury duty, the strongest positive responses were among those with some college education, while individuals in all other educational levels, ranging from those with some high school to those with a post-graduate education, viewed these issues less positively [Figure 11]. In the case of jury duty representing an important civic duty, the difference between those with some college education and all others was as much as 20% [Figure 11].

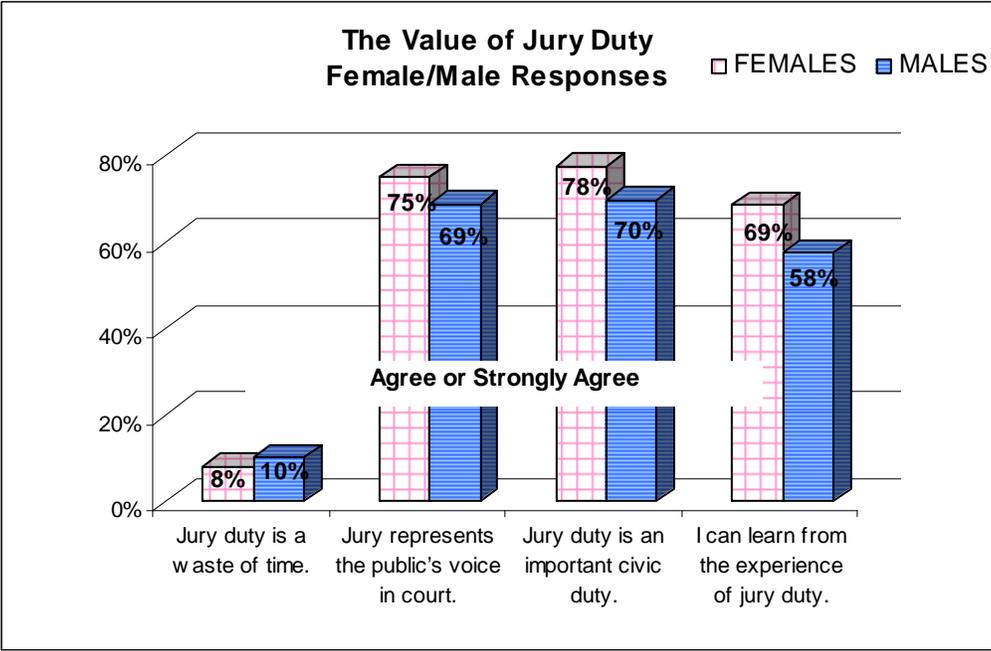


Figure 8

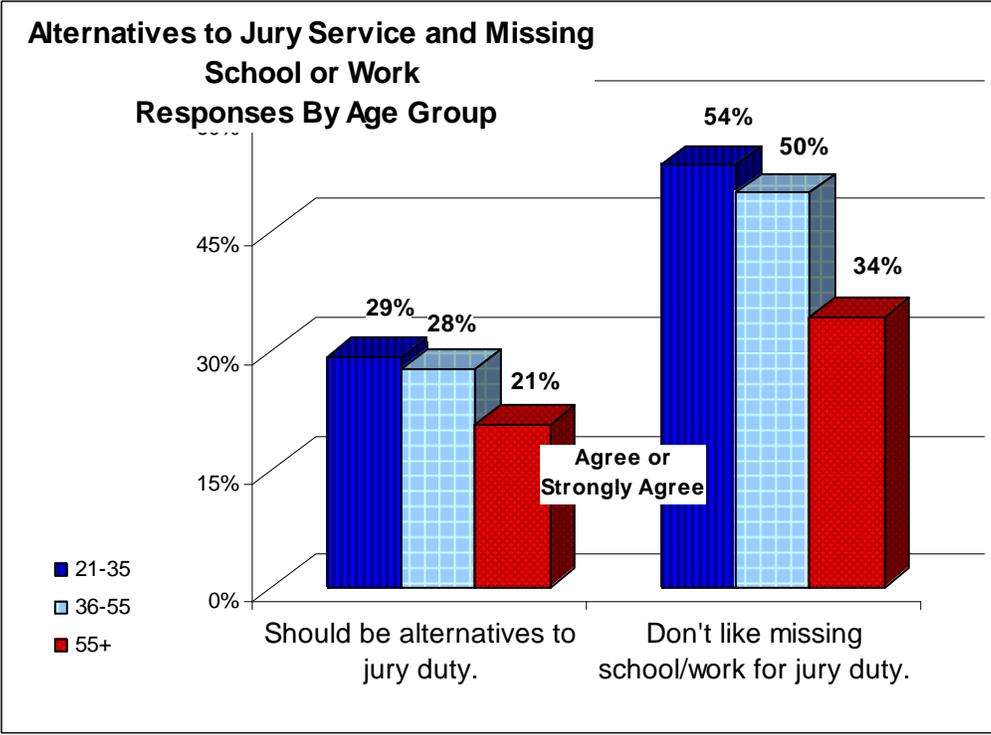


Figure 9

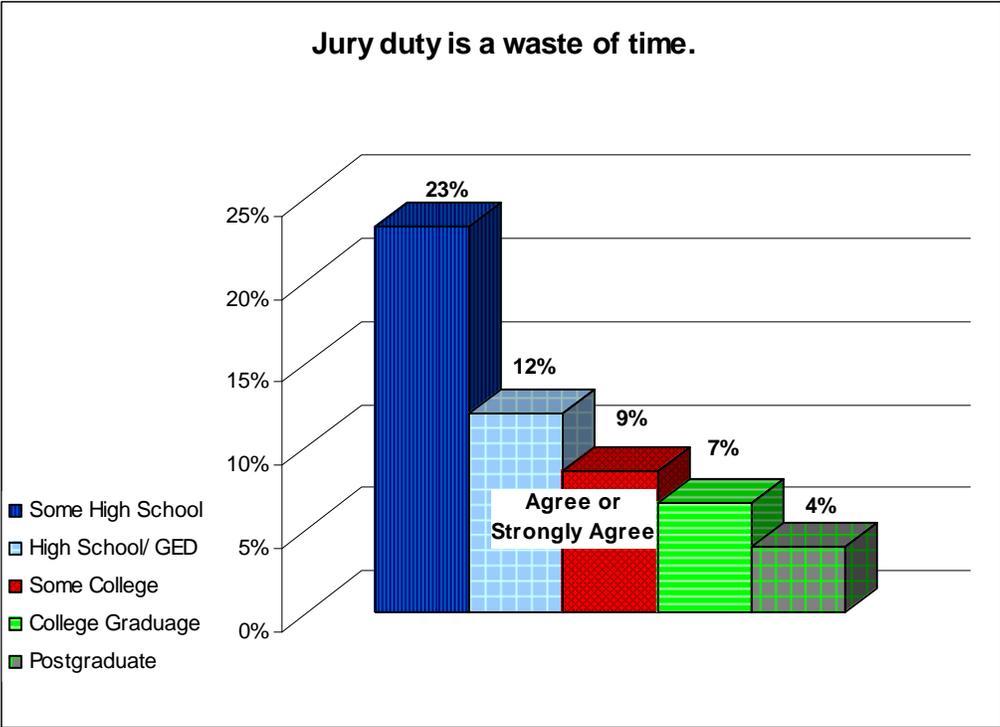


Figure 10

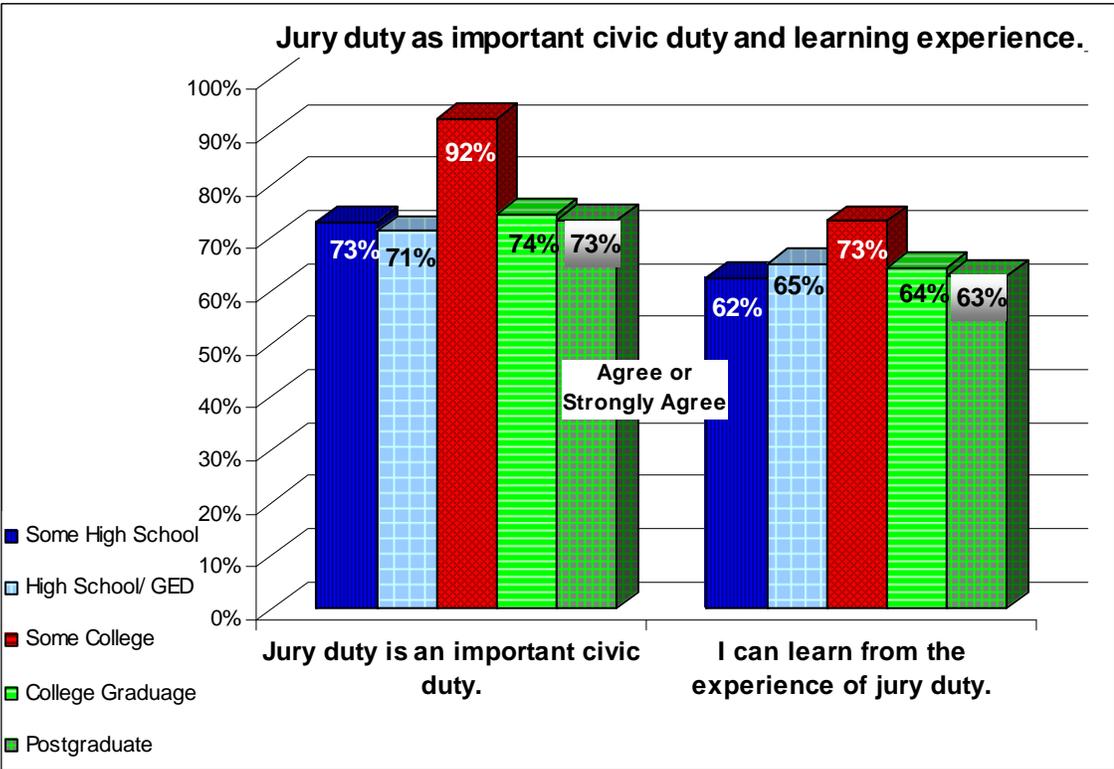


Figure 11

ii. Status Comparisons

In addition to demographic comparisons, this study also allowed for a more accurate assessment of the status of each particular juror responding to the survey than the prior study did. Because we asked the jurors to provide their juror badge number, we were able to use this number to determine whether they were simply reporting in response to an initial summons, had been previously postponed,⁵⁸ had sought and been denied an excuse, or had previously failed to appear, based upon their individual record in JMS. Thus, unlike the prior study, this study did not rely on the juror remembering or accurately reporting their status. In addition, because no status questions were asked on the survey form, jurors may have felt more comfortable participating in the survey and in answering the other questions that were asked.

The comparison of the data gathered among those with different statuses, while interesting, was also not surprising. For example, jurors' views toward their jury experience including the clarity of the summons, pay, parking, and lack of availability of childcare were fairly similar across all statuses [Figure 12], although, as expected, certain groups felt somewhat more strongly about some issues than others [Figure 13]. In addition, even though the views were not as strongly held by some groups of jurors, a positive view of the value of jury duty was generally held by all groups [Figure 14].

⁵⁸ Note that while jurors who had previously postponed their service were separately categorized in the data collection and input stages of the study, because no significant differences between these jurors and those with a regular reporting status were noted in the analysis stage, the two groups were combined and all are classified as regular status jurors in this report.

Among both those who had sought and been denied an excuse and those who were prior FTAs, the strength of those views toward the value of jury duty was as much as 20% or more lower than for those in regular reporting status [Figure 14]. Those who were denied excuses or were prior FTAs were also less likely to believe that juries rather than judges were more likely to reach a fair verdict [Figure 15]. They were also more likely to believe that there should be alternatives to jury duty and that those who do not want to serve as jurors should not have to [Figure 16].

In addition, while some of the views among individuals in both the prior FTA status and the excuse denied status were similar, in some instances their opinions diverged. For example, while, as expected, those in FTA status strongly opposed penalties of any type, with the strength of their opposition increasing with the harshness of the type of penalty [Figure 17], these opinions diverged not only from those in regular status but in some instances also diverged from those in the excuse denied status [Figure 17]. In fact, while a strong majority (over 80%) of all jurors disagreed with the statement that jurors who do not appear for jury duty should be jailed, surprisingly the strongest agreement with the statement was found among those who sought and were denied an excuse, at 10%. Those who had sought and been denied an excuse were also much less likely than all other categories to view jury duty as a possible learning experience [Figure 18] and were much more likely to voice their dislike of driving downtown [Figure 19].

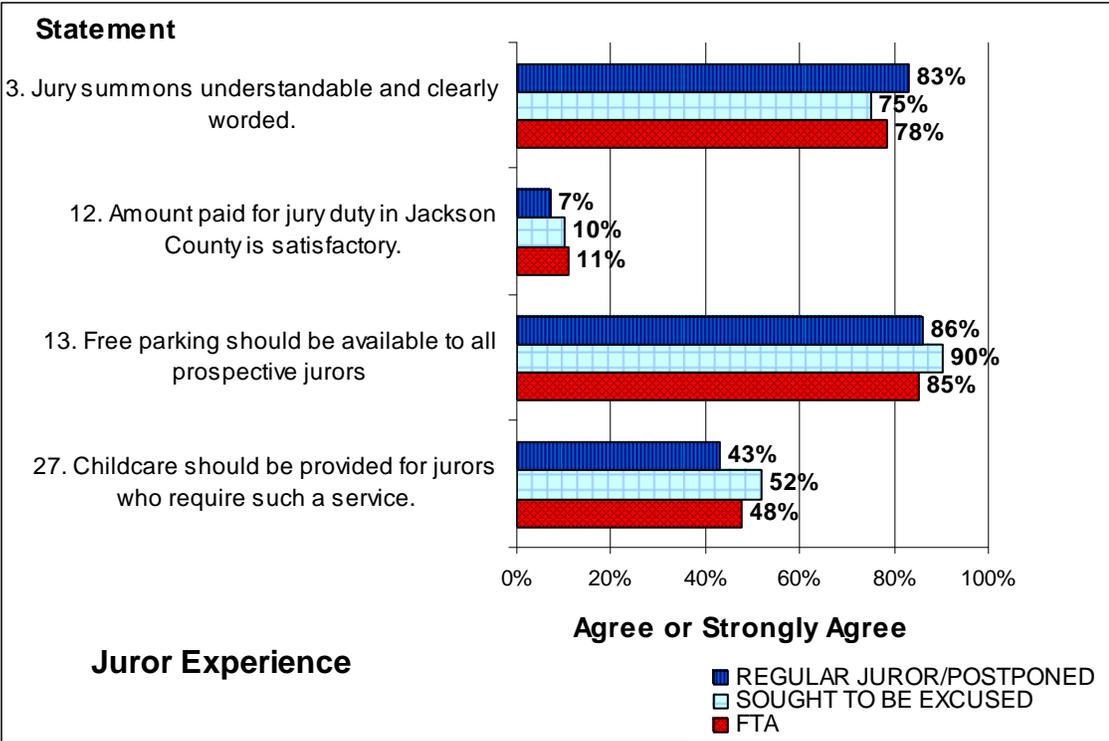


Figure 12

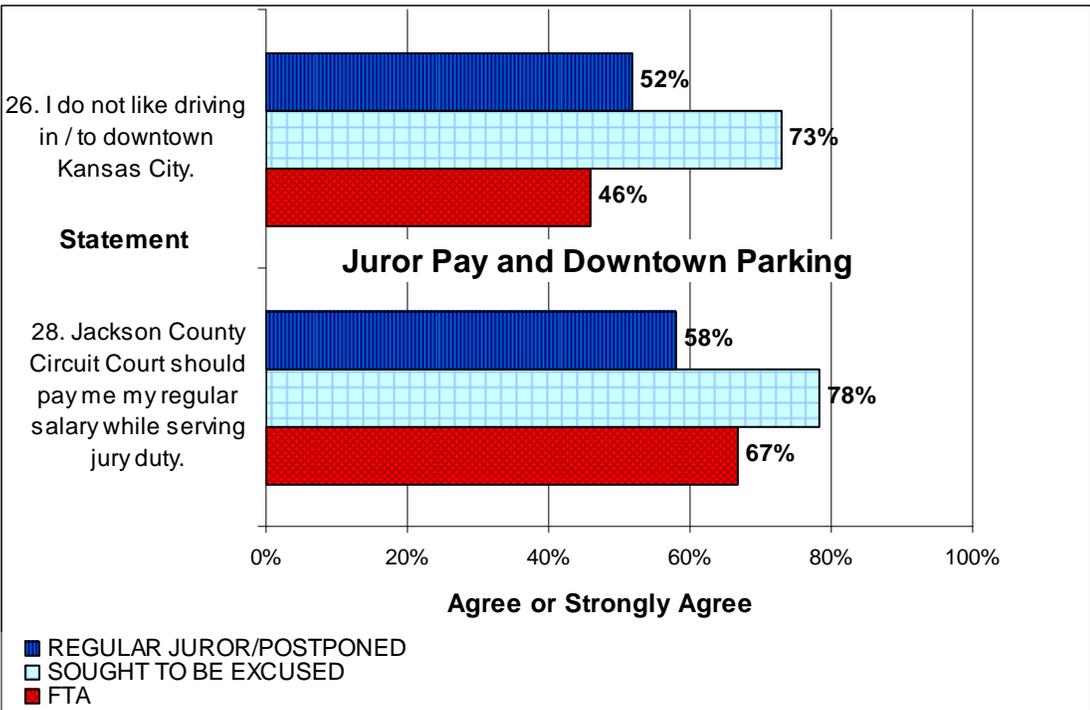


Figure 13

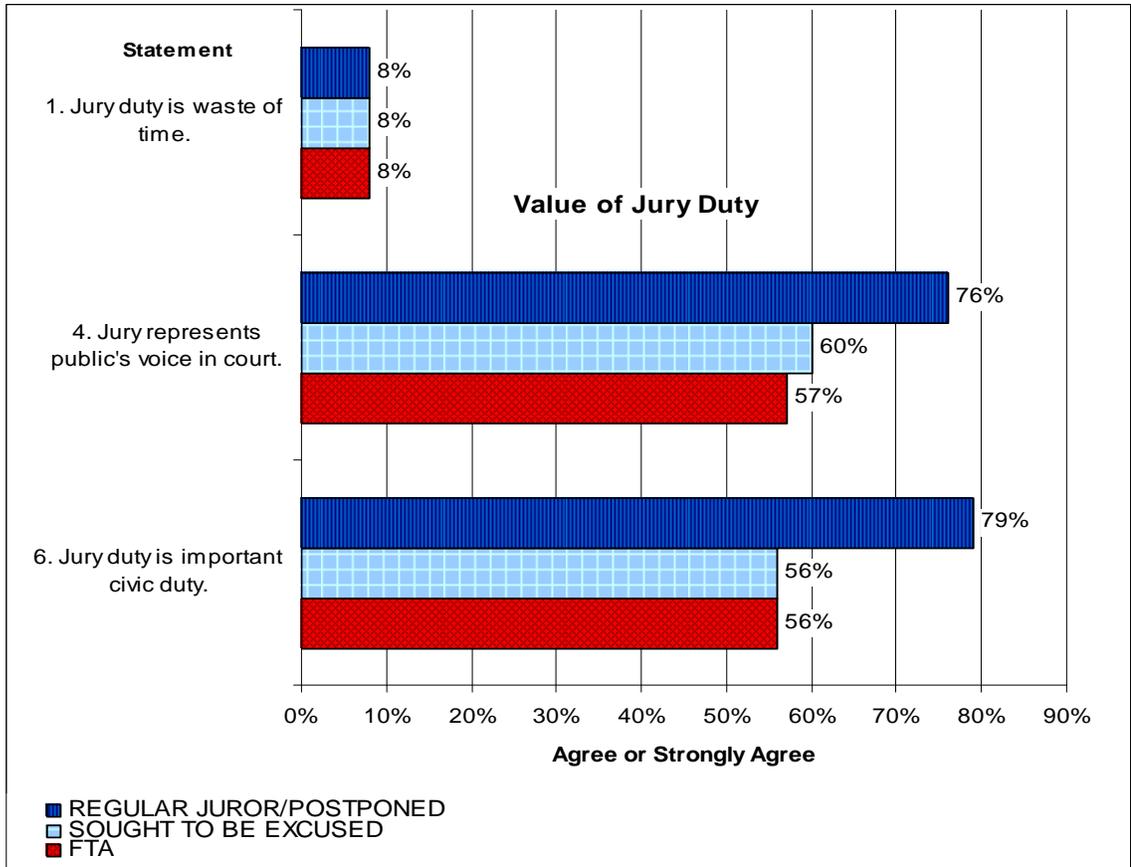


Figure 14

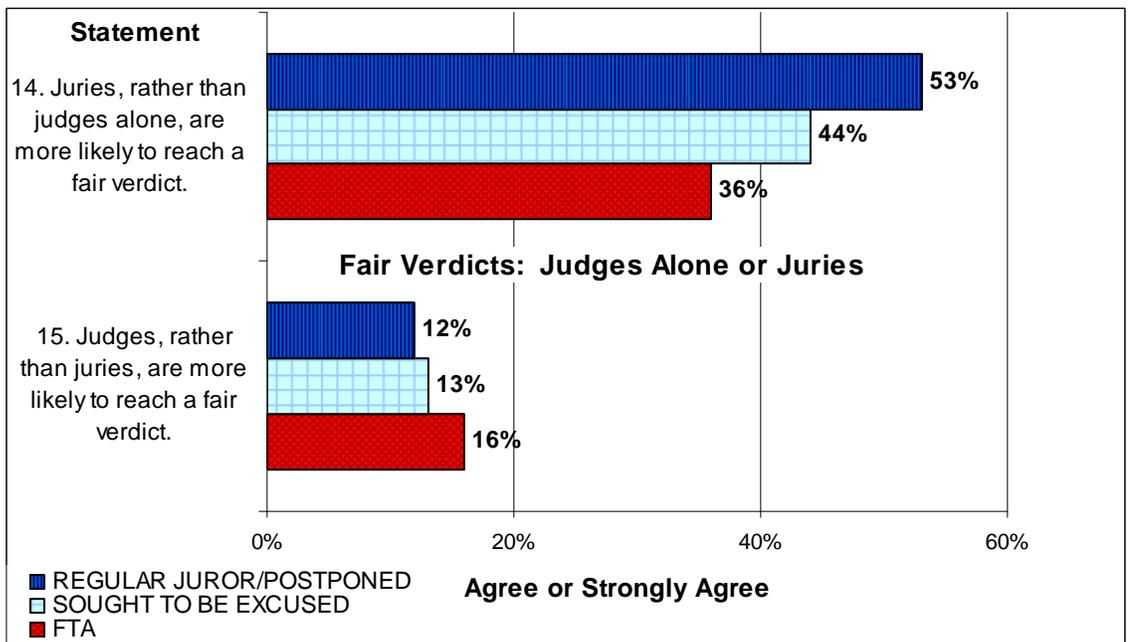


Figure 15

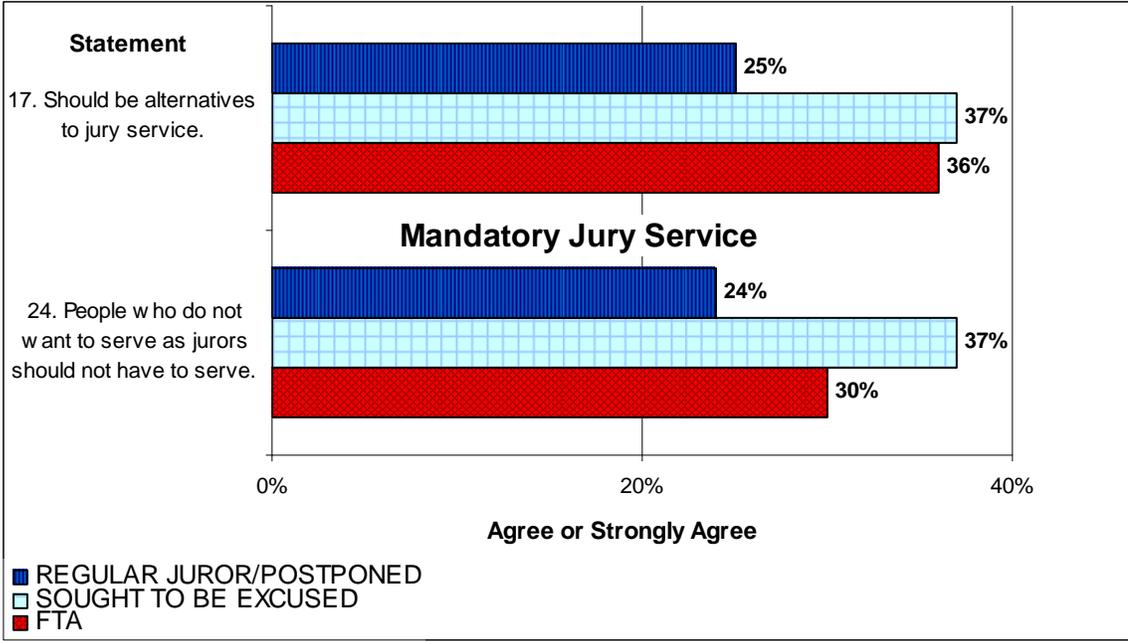


Figure 16

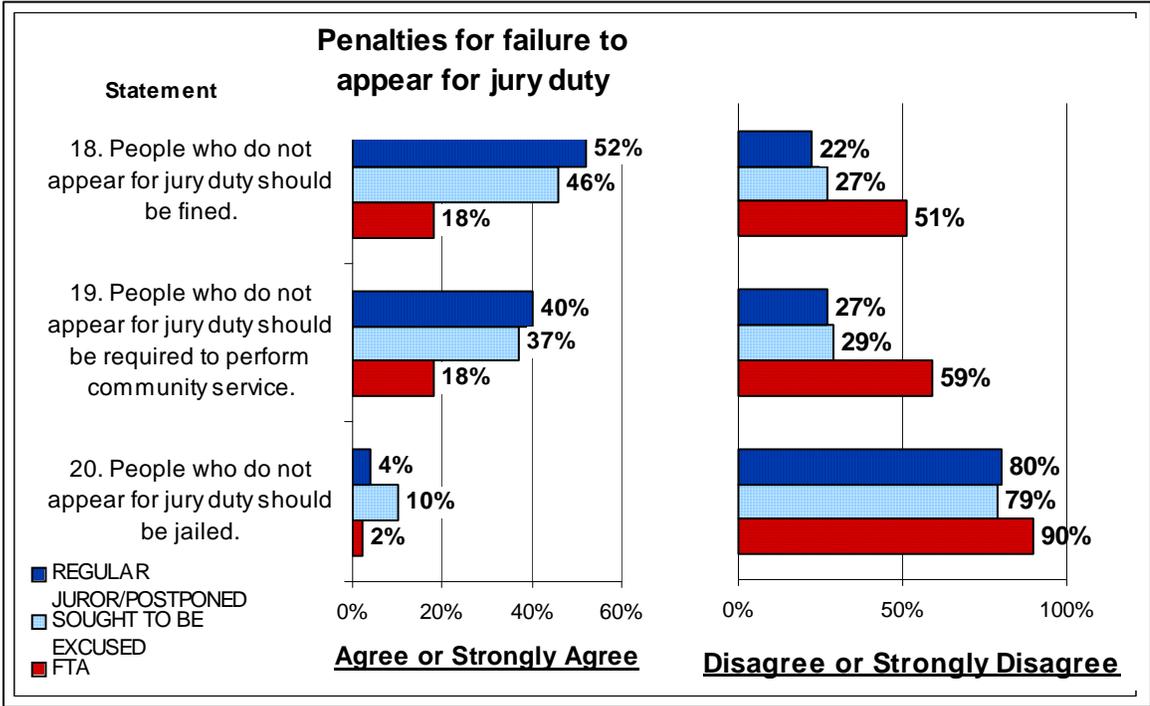


Figure 17

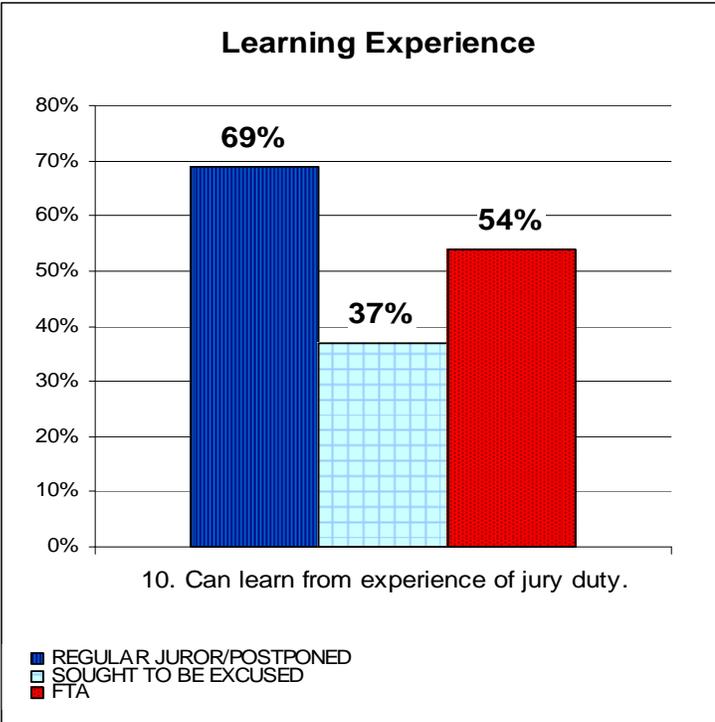


Figure 18

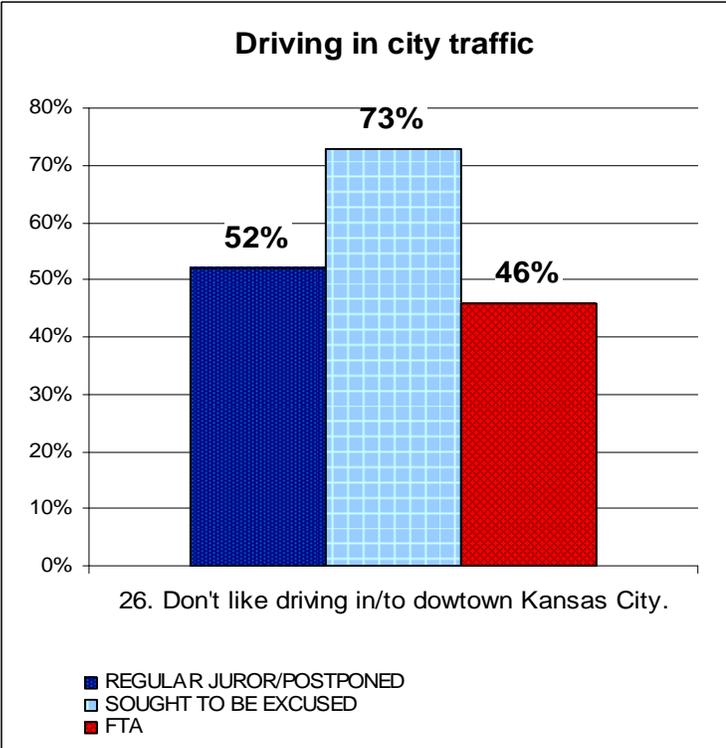


Figure 19

iii. Longitudinal Comparisons

In addition to the demographic and status comparisons, the similarity between the survey instruments used in the prior local study and the current study also allowed for longitudinal comparisons of the data. As with the prior study, jurors in the current study viewed the value of jury duty positively [Figure 20]. However, it does appear that there may have been some slight erosion in how highly jury duty is valued. Jurors in the current study also had similar responses to those in the prior study with respect to the jury experience in terms of the burdens imposed on jurors, including low pay, uncompensated parking costs, driving in downtown Kansas City, and childcare [Figure 21].

In the prior study, the data showed significant ambivalence among those surveyed toward the concept of punishing jurors who fail to appear [Figure 22]. In the current survey, because there were three separate rather than a single question related to punishment, we were able to assess whether the type of penalty affects jurors' attitudes toward it. In fact, there were significant differences in the views of the jurors toward different types of penalties. With respect to the imposition of fines and community service, there remained significant ambivalence toward these types of penalties, with 28% and 32%, respectively, of the respondents to the current survey indicating a neutral response to these particular types of penalties [Figure 23]. However, that ambivalence disappeared when it came to incarceration, with 61% of the respondents strongly disagreeing with it and an additional 20% also disagreeing with it [Figure 23].

The prior study also tried to gauge the attitude of “reluctant jurors,” relying on the jurors’ responses to a series of questions related to whether they had sought to be either excused or postponed in response to the current or a prior summons and whether that request was granted or denied. In her report, Teresa York expressed concern about the “weak response rate” to these questions recognizing that fewer than one-third of the jurors responding to the prior survey answered the questions about prior requests to be excused or postponed. However, from the data that was gathered in the prior study, the conclusion drawn was that “reluctant jurors” had significantly different attitudes toward jury duty than others. This conclusion was demonstrated graphically in the prior report in Table G, which contained the answers to four questions. The table then compared the overall response to those questions to the responses by 1) jurors who reported having requested and been denied an excuse and 2) jurors who reported having requested and been denied a postponement.⁵⁹ The information contained in Table G from the prior report has been duplicated in graph form in the current report [Figure 24]. In addition, the responses to these same questions from the 2007 survey from all jurors as compared to 1) jurors who sought and were denied an excuse and 2) jurors who previously failed to appear have also been included in this graph [Figure 24].

As suggested in the prior study, in the current study a different approach was taken to identify and survey “reluctant jurors”. In the current study, “reluctant jurors” were identified through their discreet juror identification number rather than asking them to “self report”. In the current study, while there were significant differences in the

⁵⁹ Note 25 *supra*, pages 39-40.

attitudes of those who either sought and were denied an excuse or initially failed to appear, as compared to those in a regular reporting status, they were not nearly as stark as the differences identified in the prior study [Figure 24]. In fact, in the prior study only 12-13% of the “reluctant jurors” stated that they thought jury duty was important, that it represented the public’s voice, or that it might be a learning experience. However, in the current study, these same questions drew an overall positive response, with more than 50% of each category of “reluctant jurors” answering all except one of these questions affirmatively.⁶⁰ However, the differences found may be more attributable to differences in the survey instrument than an actual change in attitude over time. By removing the questions about prior status, the survey respondents may have been less focused on what could otherwise have been perceived as a negative aspect of their jury service experience, i.e. having been denied an excuse, for example, and instead focused more on the overall experience. In addition to the changes in the survey instrument, it is probable that the outcomes of the current study as compared to the prior study were also affected by the sample size since information on status was available from every juror in the current study, not just those able or willing to answer the background questions related to their status.

⁶⁰ In the 2007 survey, only 37% of those who previously sought to be excused thought that jury duty might be a learning experience. However, this affirmative response rate is still 25 points higher than the affirmative response rate from the same group in 2000.

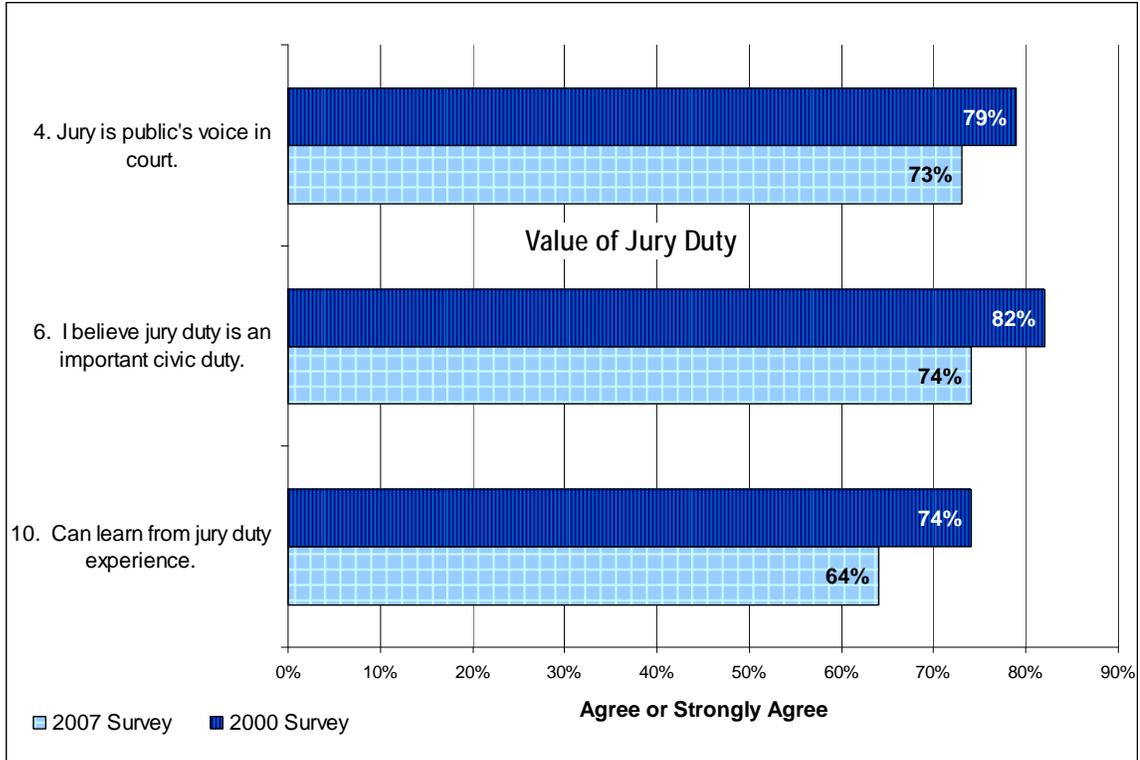


Figure 20

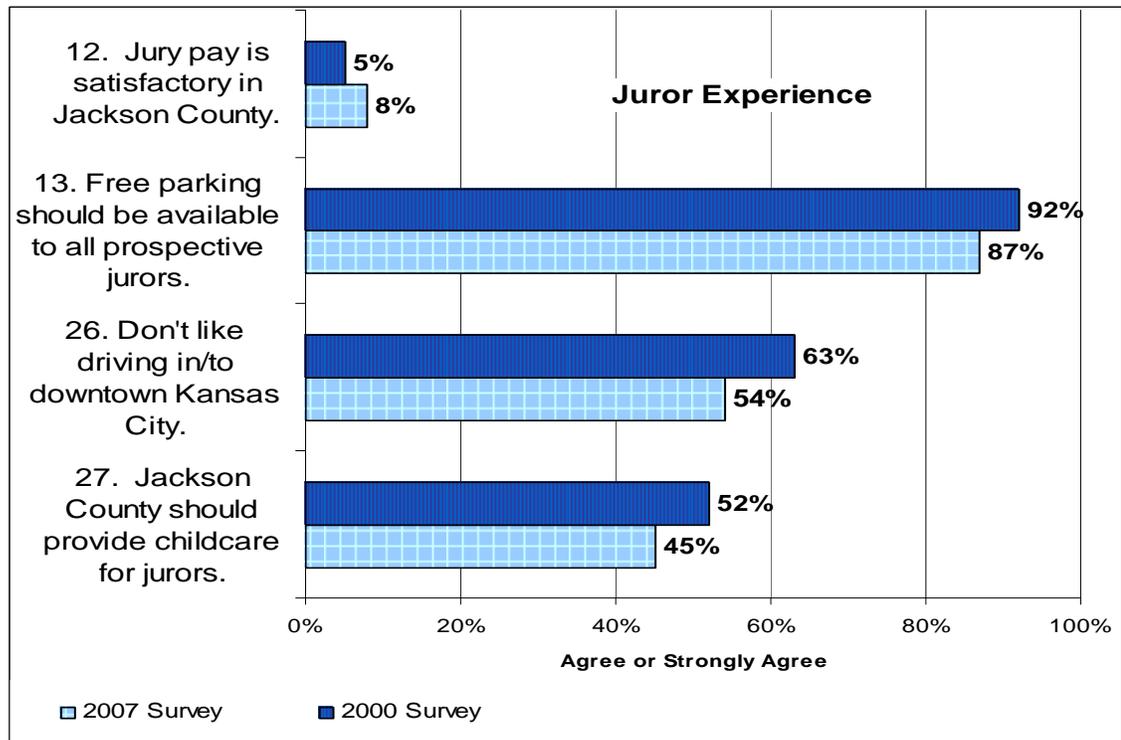


Figure 21

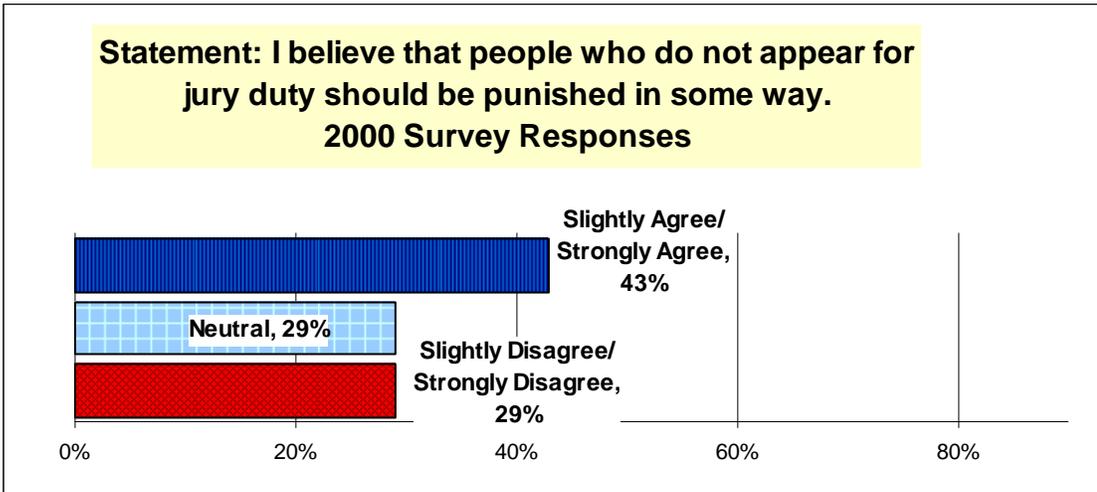


Figure 22

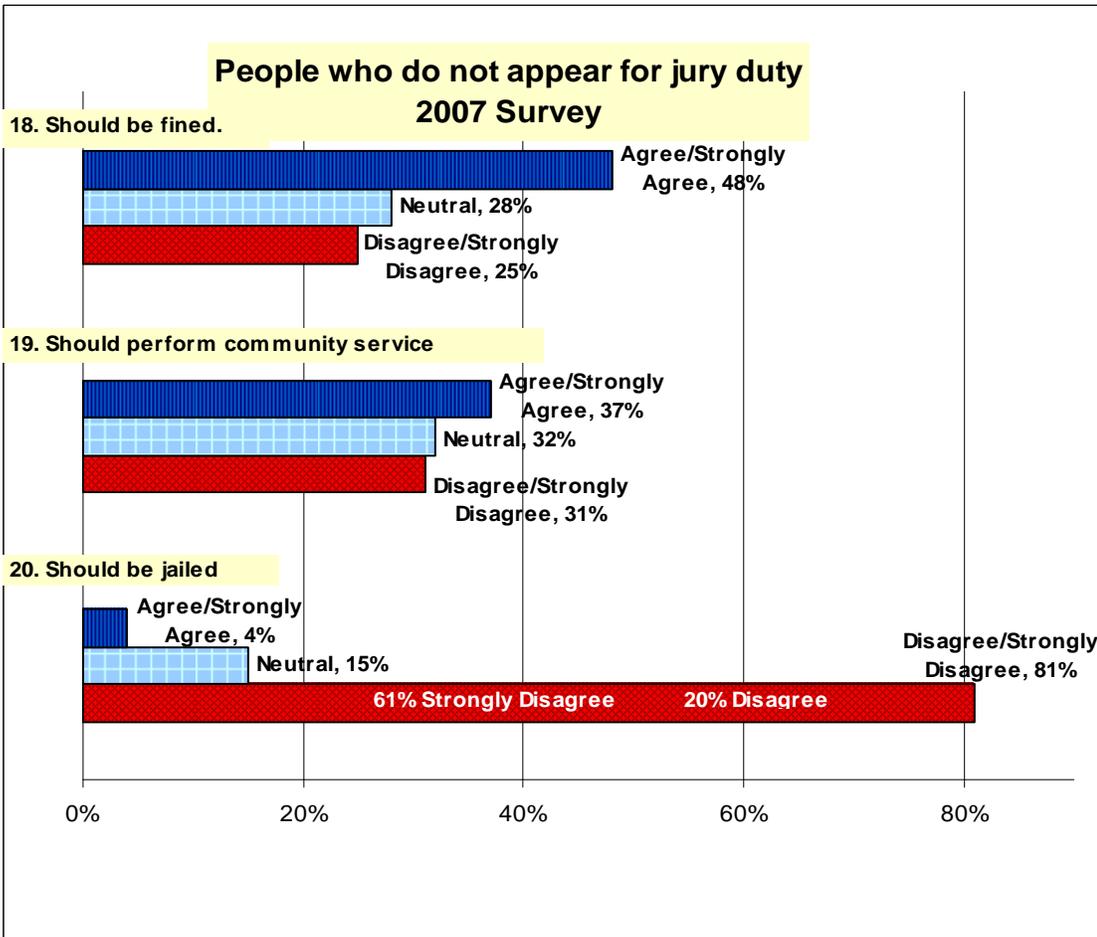


Figure 23

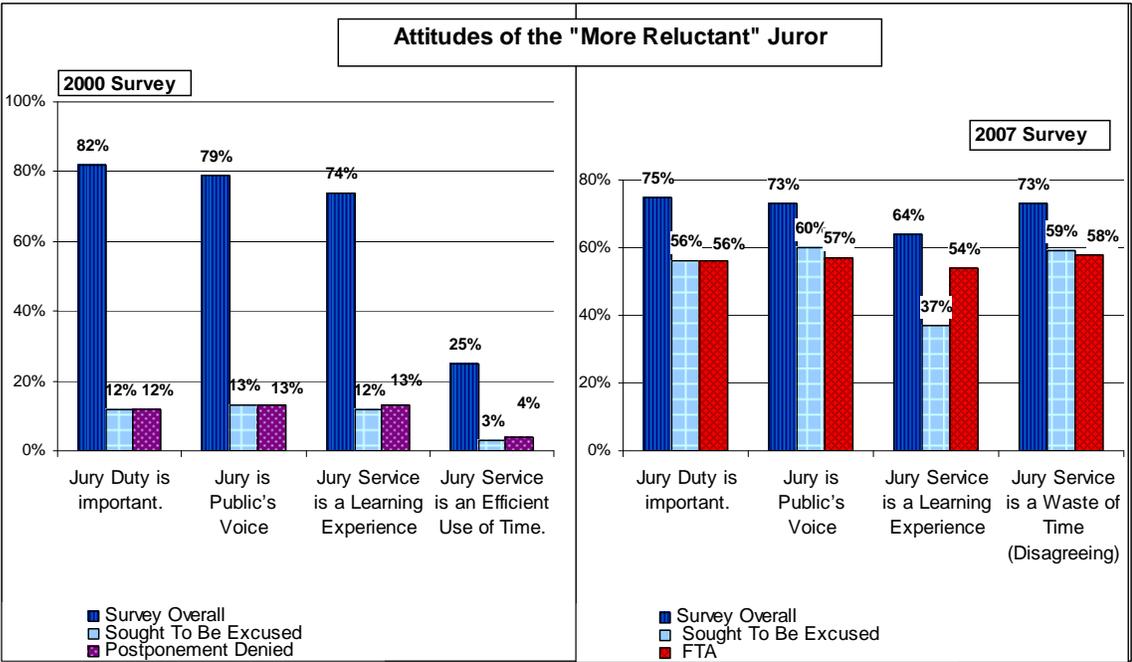


Figure 24

CONCLUSIONS AND RECOMMENDATIONS

The jury management literature recognizes that not only are enforcement efforts expensive and time consuming, but that judges and court administrators are also concerned that enforcement efforts can lead to negative attitudes toward or perceptions of the courts. These concerns were born out in the 2007 survey of jurors serving in the Circuit Court of Jackson County, Missouri. Not only did the results of the survey document a negative attitude toward measures perceived as punitive, they also reaffirmed the findings of the prior survey of ambivalence toward assuring that everyone serves. Given both this ambivalence and the negative attitude toward punitive measures, significant care needs to be taken in undertaking enforcement efforts against FTAs in the Circuit Court of Jackson County in order to assure that negative reactions toward or perceptions of the Court are not generated through these efforts. Particularly in an era where the court system generally is under attack by other branches of government, courts have to be more careful that their actions do not further alienate what may be an already skeptical public. Thus, my overall recommendation is that while the Jackson County Circuit Court should consider enhancing its compliance program for jurors who fail to appear, it should undertake what would be categorized as true enforcement efforts only in a very limited sense. Instead, the Court's focus should continue to be on education and on other means of improving juror response rates. Prior to or in lieu of undertaking an OSC docket, other techniques should be used to obtain compliance with the jury summons or otherwise determine why individuals are not responding to the summons.

Enhanced Compliance Program

As evidenced in other courts, techniques that are both less threatening and less resource intensive can be used either in lieu of or in addition to a traditional OSC docket to positively affect juror response rates, address concerns of equity in the jury process, and assure the public integrity of the systems designed to assure that jury pools represent a fair cross section of the particular community from which they are drawn. By taking this approach first, the Court's focus remains on compliance and education rather than on punishment, and negative publicity as a result of these efforts seems less likely.

In addition, by maintaining as the primary objective of an enhanced compliance (or enforcement) program the goal of assuring that summoned jurors complete their service, the Court's approach is consistent with the approach of the other courts studied. One of the hallmarks of this approach in the courts studied is a consistent practice of allowing a juror who previously failed to appear the opportunity to cure their FTA status. In the courts studied, the opportunity to cure generally was afforded to FTA status jurors regardless of the stage of the process at which they finally indicated a willingness to serve.⁶¹ While not among the courts studied for this report, I am aware of courts that take the approach that delinquent jurors should not be allowed to cure without going through the full OSC process once the process is started. I believe the approach taken by the courts studied is both more likely to be favored by the judges of the Jackson County Circuit Court and more in line with the survey results showing negative juror attitudes toward punitive measures.

⁶¹ Note, however, that in at least one jurisdiction studied, jurors for whom an arrest warrant had been issued did have to resolve the warrant with the court that issued it rather than simply rescheduling their service.

In its efforts to enhance its compliance program, one of the techniques that I believe the Jackson County Circuit Court could effectively implement is one or more additional notices with progressively stronger language. I recommend that these notices be developed and used in conjunction with the FTA notices currently sent to jurors who have failed to appear. Among the notices used by other jurisdictions studied that I believe could be effective is a notice advising jurors that if they have not cured their FTA status by a date certain they need to come in and explain why they failed to appear to a judge, patterned after the first letter currently used by the San Joaquin County Superior Court. When jurors appear in response to this notice, in addition to providing them with an opportunity to explain their FTA, the appearance should also be used as an opportunity to provide education about the jury process and their obligation to serve. Another notice I believe could be effective is a notice providing jurors who have failed to appear with a copy of a standard pleading that could be filed with respect to their FTA if they continue to fail to respond, patterned after those used by the San Joaquin County Superior Court and the State of Massachusetts.

Finally, while not necessarily linked to the study, the impact of use of NCOA needs to be studied by the Court. As noted previously, the process used to create master jury wheels for courts throughout the State of Missouri changed in 2007 when OSCA incorporated use of NCOA into its master wheel process. Thus the Court should assess whether there has been a reduction in the number of summonses returned by the post office as undeliverable as a result of the use of NCOA. The Court should also assess what, if any,

impact this change is likely to have on its FTA rates. Given the recognition that some jurors counted in the Court's FTA rate likely never actually received their summons, working to not only reduce this number through the use of NCOA and other techniques, but also to quantify this reduction, will assist the Court in determining what its actual FTA rate is. Once it has made this preliminary assessment, the Court should be in a position to better assess what additional steps it should take to address the issue of jurors who actually receive their summons, but then fail to appear.

Limited Enforcement Efforts

With respect to the use of true enforcement as opposed to compliance efforts, my recommendation, based upon the study and taking into account the Court's current available resources, is that the Court should not develop a regularly scheduled, on-going OSC docket at this time. Moreover, I recommend that any enforcement efforts implemented should be directed primarily toward those individuals who respond to their initial summons, fail to appear on their designated date, and remain in FTA status following the Court's other compliance efforts. This approach, patterned in part after the practices developed and used in the Essex Vicinage Superior Court, will allow us to further focus our limited resources on those jurors who we know actually received their summons by distinguishing between jurors who fail to respond and jurors who fail to appear. In addition, if at some point in the future the Court does implement regular OSC dockets, the Court will need to consider whether all prospective jurors remaining in FTA status will be pursued, or whether to include only a sample of those remaining in FTA

status as is done in the San Joaquin County Superior Court. Given the cost and labor intensive nature of these types of efforts, this decision will significantly impact the overall cost of the program and will need to be carefully assessed. However, because this decision will depend, in part, on the success of the other compliance measures to be undertaken, I have no recommendation on it at this time. A step that could be taken to reduce these costs, however, is to follow the practice of first mailing the summons to appear for the OSC docket, and only personally serving those who do not respond to the mailed summons. This practice, used in both the Lake County Circuit Court and the Essex Vicinage Superior Court, is both less resource intensive and less threatening, and is a practice that I would recommend be used by the Circuit Court of Jackson County if an OSC docket is ultimately initiated.

In addition, as with the other compliance measures recommended, if an OSC docket or other enforcement mechanisms are ultimately undertaken, the overriding goal should still be to obtain compliance and to assure an understanding of the jury obligation. Thus, all jurors subject to enforcement measures should receive a new date for service. Jurors also should be allowed to cure their FTA status by contacting a member of the jury room staff in advance of any hearings and either providing documentation to demonstrate that they are ineligible to serve or by serving. However, in order to assure that any established enforcement processes stay on track, I recommend that the example of the other jurisdictions studied be followed, and that new service dates established by agreement with a juror in advance of a hearing date or ordered by the Court be set on a short time table. I also recommend that fines and community service imposed as part of any

enforcement processes should be limited to those cases where there is significant evidence that the prospective juror's FTA was willful. Finally, an educational component should be included as part of the OSC hearing process. This educational component could be patterned after the practices used in the San Joaquin County Superior Court, which provides information both in writing and through remarks of the judge conducting the hearing and/or another court staff member.

Additional Efforts to Provide Information / Increase Public Awareness

Assuring that the public has a good understanding of the structure of government in the United States, including the historic basis for the jury trial system adopted here, is critical to their understanding and appreciation of the role they serve as a juror and of their jury obligation. Whether the erosion in how highly jury duty is valued, seen in the longitudinal comparison of the data collected in 2007 as compared to 2000, is indicative of a diminished understanding of these key concepts is not clear. However, with the teaching of civics being eliminated from our school systems, such an erosion should not be unexpected. In response, the Court needs to consider ways to enhance education of both those summoned for jury duty and the public generally. It can do this through more comprehensive efforts to make educational materials available in its jury rooms and on its website and by offering educational materials and programs related to the jury process to schools and community organizations.

Ongoing Efforts to Lessen Jury Burdens / Improve Jury Experience

Finally, while certain changes that would lessen the burdens imposed upon citizens when they are called for jury duty, such as increasing juror pay, providing childcare when needed, and providing free parking for all summoned jurors, are still cost-prohibitive, the Court can and should continue to work to implement other, less costly, measures. These measures can include both measures geared toward making jury duty more convenient, as well as measures geared toward better juror utilization. For example, within the last year, the Court began providing free wireless Internet service for jurors during the period they are waiting in the jury assembly room. The Court has also implemented case management practices designed to assure better utilization of its resources, including its juror resources, across all case types. The jury room staff also regularly assesses the number of jurors available versus the number utilized. The Court also can and should continue to work to assure that jurors understand that with the use of these case management and juror management practices, as well as other innovations like the one day/one trial system and the right to a one time postponement for all jurors, the burdens imposed on jurors are, in fact, less than they used to be. With these types of practices in place nearly everyone should be able to serve.

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CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

415 EAST 12TH STREET ROOM 301
KANSAS CITY, MISSOURI 64106

Teresa L. York
Court Administrator

Tracy L. Smedley
Jury Supervisor/Asst Court Adm
881-3602

104592486
SEQ # 0138

**FAILURE TO APPEAR
NOTICE TO JUROR**

OUR RECORDS INDICATE THAT YOU WERE SUMMONED TO REPORT FOR JURY SERVICE IN FEBRUARY 26, 2008 AND FAILED TO APPEAR.

IF YOUR SEQUENCE # ABOVE IS 0001 THRU 0325, YOU HAVE THE OPTION OF REPORTING ON ONE OF THE FOLLOWING DATES:

APRIL 14, 2008 AT 8:00 A.M.
APRIL 21, 2008 AT 8:00 A.M.

IF YOUR SEQUENCE # ABOVE IS 0326 THRU 0800, YOU HAVE THE OPTION OF REPORTING ON ONE OF THE FOLLOWING DATES:

APRIL 28, 2008 AT 8:00 A.M.
MAY 5, 2008 AT 8:00 A.M.

IF YOU ARE UNABLE TO REPORT FOR MEDICAL REASONS, ATTACH A DOCTOR'S STATEMENT AND MAIL IT TO THE COURT AT THE ABOVE ADDRESS.

IF YOU FAIL TO APPEAR AS DIRECTED BY THIS NOTICE YOU MAY BE HELD IN CONTEMPT OF COURT AND FINED.

YOU ARE TO REPORT TO THE JACKSON COUNTY COURTHOUSE 8:00 A.M. LOCATED AT; 415 E 12TH STREET ROOM 301 KANSAS CITY, MO 64106.

PLEASE BRING THIS NOTICE OR ORIGINAL SUMMONS WHEN REPORTING FOR SERVICE.

TRACY L. SMEDLEY
ASST. COURT ADM/JURY SUPERVISOR

Appendix A



CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

415 EAST 12TH STREET ROOM 301
KANSAS CITY, MISSOURI 64106

Teresa L. York
Court Administrator

TracyL.Smedley
Jury Supervisor/Deputy Court Administrator
816-881-3602
Fax: 816-881-3669

108267653
SEQ # 0117

NOTICE TO JUROR

OUR RECORDS INDICATE THAT YOU WERE SUMMONED TO REPORT FOR JURY SERVICE IN FEBRUARY 2008.

ACCORDING TO OUR RECORDS WE DID NOT RECEIVE ANY RESPONSE TO THE JURY SUMMONS. WE ARE CONTACTING YOU TO MAKE SURE OUR RECORDS ARE CORRECT.

IF YOU ARE UNABLE TO REPORT FOR MEDICAL REASONS, PLEASE LIST THE MEDICAL REASONS ON THE BACK OF THIS LETTER AND MAIL THE LETTER BACK TO ADDRESS LISTED ABOVE. IF YOU ARE UNABLE TO REPORT FOR SOME OTHER REASON, PLEASE CONTACT OUR OFFICE AT 816-881-3602 SO THAT WE CAN ADVISE YOU WHAT STEPS TO TAKE.

IF YOU ARE ABLE TO REPORT, PLEASE DO SO ON **APRIL 14, 2008 AT 8:00 AM** AT THE JACKSON COUNTY COURTHOUSE LOCATED AT; 415 E 12TH STREET ROOM 301 KANSAS CITY, MO 64106. PLEASE BRING THIS NOTICE OR ORIGINAL SUMMONS WHEN REPORTING FOR SERVICE.

IF THIS LETTER HAS BEEN OPENED BY SOME ONE OTHER THAN THE PERSON TO WHOM IT IS ADDRESSED, AND YOU ARE ABLE TO PROVIDE INFORMATION TO OUR OFFICE REGARDING THE STATUS OF THE PERSON LISTED ABOVE OR THE REASON THEY DID NOT RESPOND TO THE ORIGINAL JURY SUMMONS, PLEASE CONTACT THE NUMBER LISTED ABOVE.

Appendix B

**TELEPHONE INTERVIEW FORM FOR USE WITH JURY MANAGERS
AND/OR COURT ADMINISTRATORS IN OTHER LARGE URBAN COURTS**

Court Name: _____

Contact Person: Name _____ Phone Number _____

Title _____

E-Mail Address _____

___ General Jurisdiction Court ___ Limited Jurisdiction Court

Jurisdiction(s) served _____

Population Served: _____ One-Step or Two-Step Jury Call System: _____

No. of Locations Jurors are Summoned to: _____

Geographic Size _____

Automated Jury System in Place: ___ Yes ___ No

Name/Vendor _____

Regular Reports/Statistics Kept: _____

Report Types: ___ Yield ___ Undeliverables ___ Responded ___ FTAs

___ Qualified ___ Disqualified ___ Excused ___ No Response

Other _____

Avg. No. of Jury Trials/Mo.: _____

Avg. No. of Jury Summonses Issued/ Month: _____ Copy requested ___

Avg. No. of Jurors Appearing/ Month: _____

Appendix C

Describe Any Follow up or Enforcement Efforts Employed to Improve Response Rates:
(copy requested of any written description, procedures, etc___)

Follow up Notices: ___Yes ___No ___Number

When implemented ___ > 5 years ago ___ 3-5 years ago ___ <3 years ago

- When Sent_____
- To Whom Sent_____
- Different Forms_____ Copies requested___
- Title(s)/ Special Language_____

Measurable Results: ___Yes ___No Types_____

Impact on: Qualified___ DisqualifiedExcused___/ ___

Undeliverable___ No-response_____

Addl. Summonses: ___Yes ___No ___Number

When implemented ___ > 5 years ago ___ 3-5 years ago ___ <3 years ago

- When Sent_____
- To Whom Sent_____
- Different Forms_____ Copies requested___

Title(s))/ Special Language_____

Measurable Results: ___Yes ___No Types_____

Impact on: Qualified___ DisqualifiedExcused___/ ___

Undeliverable___ No-response_____

Order to Show Cause Docket ___Yes ___No ___Frequency

When implemented ___ > 5 years ago ___ 3-5 years ago ___ <3 years ago

- When Sent _____
- To Whom Sent _____
- How Delivered _____
- Different Forms _____ Copies requested _____

Title(s))/ Special Language _____

Measurable Results: ___Yes ___No Types _____

Impact on: Qualified _____ Disqualified/Excused ___/ ___

Undeliverable _____ No-response _____

Penalties Imposed: Fines ___Yes ___No Frequency _____

Range Allowed _____ Range Imposed _____

Community Service ___Yes ___No Frequency _____

Range Allowed _____ Range Imposed _____

Incarceration: ___Yes ___No Frequency _____

Range Allowed _____ Range Imposed _____

New Service Date Established ___Yes ___No Frequency _____

Description of any Other Enforcement Efforts _____

Description of any Publicity for Enforcement Efforts _____

Nine Digit Juror Badge Number:

--	--	--	--	--	--	--	--	--

SURVEY OF JUROR OPINIONS

Thank you for your participation in this survey. This survey is voluntary and confidential and will have no impact on your likelihood of selection. Your responses will be used to help us understand citizen attitudes toward jury service. They will be incorporated into a thesis that I am writing as a project with the National Center for State Courts and will assist me in my attempts to improve jury service in the Jackson County Circuit Court. I appreciate your candid remarks.

Tracy L. Smedley
Deputy Court Administrator/Jury Supervisor

Thank you for your honest responses to the following statements:

Please respond to each statement in this section using the scale set forth below by placing the number that best describes your attitude next to the statement. You may use any of the numbers between 1 and 5.

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

Example:

5 I believe I deserve a heartfelt thank you for completing this jury survey.

1. ___ I believe jury duty is a waste of time.
2. ___ I was glad to receive my jury summons.
3. ___ I believe the jury summons I received was understandable and clearly worded.
4. ___ I believe the jury represents the public's voice in court.
5. ___ I believe that certain professions should be excused from jury duty.
6. ___ I believe jury duty is an important civic duty.
7. ___ I believe that no one should be excused from jury duty.
8. ___ I enjoy jury duty.
9. ___ I believe that professional jurors, people whose job it is to hear cases and render verdicts, should take the place of citizens serving on jury duty.
10. ___ I believe that I can learn from the experience of jury duty.
11. ___ I was upset to receive my jury summons.
12. ___ I believe the amount paid for jury duty in Jackson County is satisfactory.
13. ___ I believe that parking should be made available, free of charge, to all prospective jurors.
14. ___ I believe that juries, rather than judges alone, are more likely to reach a fair verdict.
15. ___ I believe that judges, rather than juries, are more likely to reach a fair verdict.
16. ___ I believe too many people attempt to be excused from jury duty.
17. ___ I believe there should be alternatives to jury duty.

Appendix D

DO NOT MAIL OR RETURN THIS SECTION. BRING THIS SECTION WITH YOU WHEN YOU REPORT.

DATE AND TIME TO REPORT	REPORT TO
WHERE TO REPORT	

JUROR

(DO NOT DETACH)

SUMMONS FOR JURY SERVICE

By order of the Presiding Judge of the Circuit Court of Jackson County, Missouri, you are hereby summoned to serve as a juror as indicated above. **IF YOU FAIL TO APPEAR AS DIRECTED BY THIS SUMMONS YOU MAY BE HELD IN CONTEMPT OF COURT AND FINED AS PROVIDED BY SECTION 494.450, R.S.MO.** Please bring this summons with you when you report for jury service. Do not return summons by mail. Access to jury service is available to all individuals with a disability as required by the Americans with Disabilities Act of 1990.



PLEASE READ IMPORTANT ENCLOSED INFORMATION

8910031126 ©2007, Moore, Wallace. All rights reserved. PressureSear Patents 4,916,128 - 0607

JUROR QUALIFICATION FORM
COMPLETE, SIGN, AND RETURN THIS PAGE ONLY WITHIN 10 DAYS - NO POSTAGE NECESSARY
YOU **MUST** REPORT FOR JURY SERVICE UNLESS YOU RECEIVE NOTICE THAT YOU ARE EXCUSED.

- | | | |
|--|------------------------------|--------------------------|
| | YES | NO |
| 1. Are you a United States citizen? | <input type="checkbox"/> -1- | <input type="checkbox"/> |
| 2. Are you 21 years of age or older? | <input type="checkbox"/> -2- | <input type="checkbox"/> |
| 3. Do you reside within Jackson County, Missouri? | <input type="checkbox"/> -3- | <input type="checkbox"/> |
| 4. Are you able to read, speak and understand the English language? | <input type="checkbox"/> -4- | <input type="checkbox"/> |
| 5. Have you been convicted of a felony and not had your civil rights restored? * | <input type="checkbox"/> -5- | <input type="checkbox"/> |
| 6. Are you on active duty in the Armed Forces of the U.S. or a member of the organized militia on active duty under order of the governor? | <input type="checkbox"/> -6- | <input type="checkbox"/> |
| 7. Are you a judge of a court of record? | <input type="checkbox"/> -7- | <input type="checkbox"/> |

8. Has this form been filled out by someone other than the person named? * -8-
9. Have you served on a jury within the past three years? * -9-
10. Do you have mental or physical illness or infirmity which would cause you to be incapable of performing the duties of a juror? * (Include medical statement.) -10-
- * Please explain:

If your name or address has changed, please print new name and/or full address below:

(New Name) _____

(New Address) _____

(City, State, Zip Code) _____

I certify that the above answers are true and correct to the best of my knowledge.

X _____

Signature Date

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

JURY SUPERVISOR
JACKSON COUNTY COURTHOUSE
415 EAST 12th STREET, ROOM 301
KANSAS CITY, MISSOURI 64106-2706

OFFICIAL JURY SUMMONS

PRESORTED FIRST-CLASS MAIL U.S. POSTAGE PAID KANSAS CITY, MO PERMIT NO. 3237



Appendix E

REMOVE SIDE EDGES FIRST
THEN FOLD, CREASE AND TEAR THIS STUB ALONG PERFORATION

JURY INFORMATION / www.16thcircuit.org

INSTRUCTIONS

PLEASE CALL THE NUMBER LISTED BELOW FOR THE LOCATION YOU HAVE BEEN SUMMONED AFTER 5:00 P.M. THE DAY BEFORE YOU ARE SCHEDULED TO REPORT FOR JURY DUTY. A RECORDED MESSAGE WILL ANNOUNCE IF YOUR JURY SERVICE IS CANCELLED. IF THE TELEPHONE RECORDING IS NOT IN OPERATION, YOU MUST REPORT FOR JURY DUTY.

CALL FOR RECORDED MESSAGE:
KANSAS CITY -816-881-3502
INDEPENDENCE -816-881-4986

REPORTING FOR JURY SERVICE

REPORT TO THE COURTHOUSE LOCATION AS DIRECTED ON THE FRONT OF THIS SUMMONS. JURORS REPORTING TO KANSAS CITY SHOULD GO TO THE JURY ASSEMBLY ROOM ON THE THIRD FLOOR OF THE JACKSON COUNTY COURTHOUSE, LOCATED AT 415 E. 12TH STREET. JURORS REPORTING TO INDEPENDENCE SHOULD GO TO THE JURY ASSEMBLY ROOM ON THE FIRST FLOOR OF THE INDEPENDENCE COURTHOUSE, LOCATED AT 308 WEST KANSAS.

PARKING

THE COURT IS UNABLE TO PROVIDE PARKING AT THE COURTHOUSE IN DOWNTOWN KANSAS CITY.

COURTHOUSE SECURITY

ALL PERSONS ENTERING THE JACKSON COUNTY COURTHOUSES ARE REQUIRED TO PASS THROUGH A SECURITY SYSTEM.

LENGTH OF SERVICE

JURORS USUALLY COMPLETE THEIR SERVICE AFTER JURY SELECTION OR THE DURATION OF A TRIAL.

AVAILABLE FACILITIES

THERE ARE RESTAURANTS CLOSE BY, OR YOU MAY BRING A LUNCH. VENDING MACHINES AND COFFEE WILL BE AVAILABLE.

COURTROOM DRESS CODE

IN KEEPING WITH THE DIGNITY AND SERIOUS NATURE OF COURT PROCEEDINGS, PROPER ATTIRE IS REQUIRED IN THE COURTROOMS.

IN CASE OF A WEATHER EMERGENCY

IF THE COURT CLOSES FOR A WEATHER EMERGENCY, ANNOUNCEMENTS WILL BE MADE ON RADIO AND TELEVISION STATIONS BY 7:30 A.M.

YOU ARE REQUIRED TO SERVE IF SUMMONED

MISSOURI LAW PROVIDES THAT YOUR EMPLOYER MAY NOT TERMINATE YOUR EMPLOYMENT, DISCIPLINE YOU OR REQUIRE YOU TO USE ACCRUED LEAVE BECAUSE YOU PERFORM JURY SERVICE.

FOR MORE INFORMATION

IF YOU HAVE ANY QUESTIONS, OR IF YOU NEED AN ACCOMMODATION FOR A DISABILITY, PLEASE CONTACT US AT LEAST ONE WEEK IN ADVANCE OF YOUR REPORT DATE.

KANSAS CITY: 816-881-3626; 816-881-3669 (FAX)
INDEPENDENCE: 816-881-4568; 816-881-4543 (FAX)
jackson.jury.kansascity@courts.mo.gov

THE KANSAS CITY AREA TRANSPORTATION AUTHORITY

INFORMATION FOR THE METRO BUS: 816-221-0660.

FOR THE HEARING IMPAIRED 816-474-0646.

24 HOUR ACCESS: WWW.KCATA.ORG

REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION

REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION



JURY SUPERVISOR
JACKSON COUNTY COURTHOUSE
415 E 12TH ST RM 301
KANSAS CITY MO 64106-9705

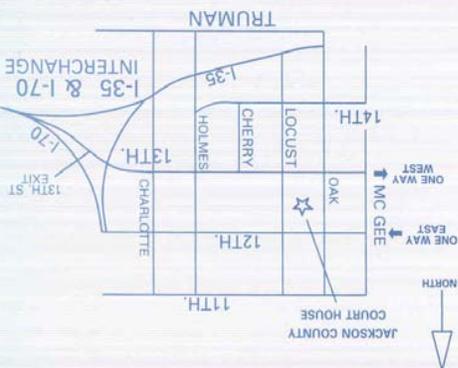
FIRST-CLASS MAIL PERMIT NO. 583 KANSAS CITY, MO.
POSTAGE WILL BE PAID BY ADDRESSEE

BUSINESS REPLY MAIL

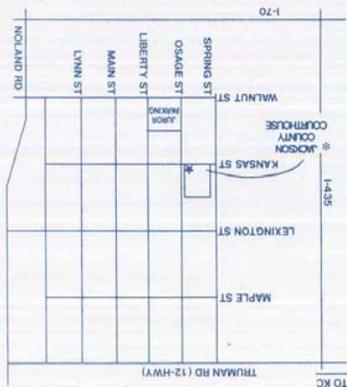


JURY SUPERVISOR
JACKSON COUNTY COURTHOUSE
415 EAST 12th STREET, ROOM 301
KANSAS CITY, MISSOURI 64106-9705

KANSAS CITY LOCATION



INDEPENDENCE LOCATION



DO NOT DETACH
BEFORE YOUR APPEARANCE.
BADGE AND BADGE HOLDER ARE PROPERTY
OF THE SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN JOAQUIN.
PLEASE RETURN

SUMMONS

You are summoned to appear for **JURY SERVICE** on the date, time, and place indicated on the reverse. *Bring this summons with you.*

EMPLOYER RETALIATION

State law prohibits discrimination or retaliation against an employee for taking time off to serve as a juror. (*California Labor Code, section 230[a]*).

One-Day or One-Trial

California has a **one-day or one-trial** term of jury service. This means that a trial juror serves for one day or for the duration of one trial. Statewide, the majority of jurors serve for just one day.

JUROR INFORMATION (Must be completed and signed)

IMPORTANT: Please complete and sign when appearing for jury duty. Bring the summons with you on the first day of service.

Residence phone: () _____ Age: _____ Employment Phone: () _____ ext: _____

Occupation: _____ Employer: _____

Do you work full time? Yes No Part time? Yes No

X SIGNATURE _____

Please complete the information below ONLY if you have had a change of name or address:

Name: (last) _____ (first) _____

Mailing Address: _____
NUMBER & STREET CITY ZIP

RESPONSE FORM

YOU MUST RETURN THE WHOLE FORM WHEN REQUESTING AN EXCUSE TO REQUEST A ONE-TIME POSTPONEMENT OR TO BE EXCUSED:

Fill out, sign and mail back within (5) days of receiving the summons.
You will receive notification by mail regarding your request.

REQUEST FOR POSTPONEMENT

I request a postponement of jury service for a period not to exceed 90 days, until the month of _____.

I. I have served or was summoned and actually appeared for jury service or grand jury service during the current or past year.

NOT QUALIFIED - I am not qualified to serve as a juror and/or request to be excused because:

- A. I am not a citizen of the United States.
- B. I am not 18 years of age or older
- C. I am not a resident of San Joaquin County.
I am a resident of _____
- D. I have been convicted of a felony and my civil rights have not been restored.
- E. I do not have sufficient knowledge of the English language to act as a juror. (You must complete the information in the section above (JUROR INFORMATION) and return it to the court).
- F. I am now a subject of conservatorship.
- G. I am a peace officer as defined in Sections 830.2(a) of the Penal Code. Correctional officers do not fall under this code.

COURT NAME _____

SERVICE START DATE ____/____/____
MO DATE YEAR

BADGE NUMBER _____
9 DIGIT NUMBER UNDER BAR CODE

K. I have a physical or mental disability or impairment.
List Dr.'s name, phone number and nature of illness below:

AGENCY NAME _____ BADGE NUMBER _____

L. Juror is deceased.
Someone must sign and return form. If a juror is deceased, the offices of DMV and the Registrar of Voters must be notified to avoid improper summoning.
DMV 1-800-777-0133
VOTER'S 209-468-2885

H. I have full-time, non professional obligation to provide care for another (including sick, aged, or infirm dependents or a child).

M. Other:
Explain below.

Age(s) of person(s) cared for: _____

Your relationship to person(s) cared for: _____

Type of care you provide: _____

I certify under penalty of perjury that the information on this form is true and correct. (Code of Civ. Proc. section 2015.5)
If the person signing is not the prospective juror, please indicate your relationship to the prospective juror next to your signature.

Signature: _____ City/State: _____
MO DATE YEAR

ACT 907 uslegal110029

Appendix F

DO NOT DETACH
BEFORE YOUR SERVICE
BADGE AND BADGE HOLDER ARE PROPERLY
OF THE SUPERIOR COURT OF CALIFORNIA
IN THE COUNTY OF SAN JOAQUIN
BY NAME NUMBER

Please fold here to fit into
the badge holder

JUROR BADGE

JURY SERVICE INSTRUCTIONS

PLEASE READ THESE INSTRUCTIONS CAREFULLY. YOU WILL BE EXPECTED TO FOLLOW THEM DURING YOUR SERVICE. IF YOU HAVE ANY QUESTIONS, PLEASE ASK THE COURT CLERK OR THE JURY MANAGER.

1. REPORT TO THE COURT AT THE TIME AND PLACE SPECIFIED ON YOUR NOTICE TO REPORT. BRING YOUR IDENTIFICATION AND YOUR NOTICE TO REPORT WITH YOU.

2. CHECK IN AT THE COURT AND SIGN THE JURY ROLL. YOU WILL BE ASSIGNED TO A COURTROOM AND A JURY ROOM.

3. REMAIN IN THE COURTROOM UNTIL CALLED TO THE JURY ROOM. DO NOT LEAVE THE COURTROOM WITHOUT PERMISSION.

4. IN THE JURY ROOM, YOU WILL BE SEPARATED INTO Pools. YOU WILL REMAIN IN YOUR Pool UNTIL CALLED TO THE COURTROOM.

5. WHEN CALLED TO THE COURTROOM, YOU WILL BE SEATED AT A TABLE. YOU WILL BE INSTRUCTED BY THE COURT CLERK.

6. YOU WILL BE ASKED TO SWEAR OR AFFIRM THAT YOU WILL FOLLOW THE INSTRUCTIONS OF THE COURT AND DELIBERATE FAIRLY AND IMPARTIALLY.

7. YOU WILL BE ASKED TO SELECT A FOREPERSON. THE FOREPERSON WILL BE RESPONSIBLE FOR CONDUCTING THE DELIBERATIONS.

8. YOU WILL BE ASKED TO DELIBERATE ON THE VERDICT. YOU WILL BE SEATED AT A TABLE AND WILL BE INSTRUCTED BY THE COURT CLERK.

9. YOU WILL BE ASKED TO SIGN THE VERDICT. YOU WILL BE ASKED TO SIGN YOUR NAME AND THE NAME OF THE FOREPERSON.

10. YOU WILL BE DISMISSED BY THE COURT CLERK. YOU WILL BE GIVEN A RECEIPT FOR YOUR SERVICE.

FOR THE COURT CLERK TO USE ONLY
NAME
NUMBER

Superior Court of California

FOR THE COURT CLERK TO USE ONLY
NAME
NUMBER

**NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF ILLINOIS**



SCHEDULED WEEK

Report to: Jury Assembly Room
18 North County Street, Room 110
Waukegan, IL 60085-4360

Office Phone: 847.377.4600
Recorded Message: 847.249.5879
FAX: 847.625.2580
TDD: 847.625.7416

<http://19thcircuitcourt.state.il.us>

JUROR SUMMONS

You are summoned for Jury Duty and must respond by completing and returning the Juror Response and Profile form. **If you fail to follow these instructions, the Court may use the Lake County Sheriff to make you comply.**

PARKING INFORMATION

Free parking is provided for jurors in the City of Waukegan parking garage at 225 N. County St., located 1 block north of the County Building. (See map on the back of this form). You will be issued a ticket upon entering the garage. **YOU MUST BRING THE TICKET WITH YOU TO THE JURY ASSEMBLY ROOM FOR VALIDATION. Jurors choosing to park in other areas must pay parking fees. Parking violations issued to jurors during jury service are the responsibility of the juror.**

**JUROR
BADGE**

JUROR RESPONSE & PROFILE FORM

Complete form, detach and return to the address shown above.

- I believe I should be disqualified from jury duty because _____
- I would like to be excused from jury duty because _____
- I am a party in a pending case in Lake County _____
- I would like to be deferred from jury duty because _____
(list a more convenient time for you to serve) _____

Juror's Age ____ Do you own real estate? Yes No Years of residence in Lake County ____ Home Phone # _____

Occupation _____ Employer _____ Years There ____ Work Phone # _____

Single Divorced Married Spouse's Occupation _____ Employer _____ Years There ____

For the following, place a check in the appropriate box to answer "YES."

Have you, a relative, or close friend ever:	Self	Relative	Friend
been party to a lawsuit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
been a victim of a crime?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
practiced as an attorney?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
been a law enforcement officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
served as a juror?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
suffered a serious personal injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
been charged with a crime?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Children's Names Age Occupation Employer

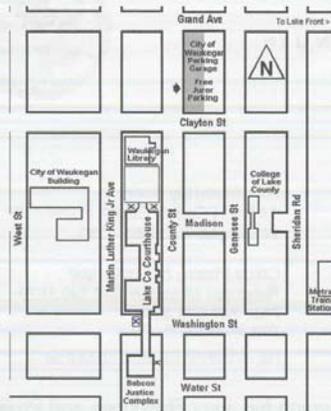
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I swear or affirm the information on this form is true to the best of my knowledge and belief.

Signature: _____ Print Name: _____

Appendix G

JUROR PARKING



DRIVING DIRECTIONS FROM RT. 41 OR I-94:

Exit Rt. 41 or I-94 at Grand Ave. / Rt. 132 East
Continue east on Grand to County St. (2 blocks after West St.)
Turn right on County Street for ½ block to garage entrance
Turn left into the garage and pull a ticket to open the gate
Remember to bring the ticket with you for validation
From garage, cross County St. and walk 1 block south to the County Building entrance.

HANDICAPPED PARKING: Those entitled to handicapped parking are advised to park as close as possible to the County Building's Washington St. entrance. Several handicapped parking spaces are available in this area which is also closest to where we are located in the County Building. Please call our office at (847) 377-4600 for additional information regarding handicapped parking options.

MOTORCYCLE OR OVERSIZED VEHICLE PARKING: Motorcycles and oversized vehicles are **NOT** permitted in the City of Waukegan parking garage. Please call our office at (847) 377-4600 prior to your service date if you require parking for these types of vehicles.

Telephone Call-In System: All jurors are required to call the juror information line **847.249.5879** (847-249-JURY) after **4:30 P.M.** the Friday prior to their week of service. The recorded message will state which juror call numbers need to report on Monday morning (or the first day of the week in the event of a holiday). If you are not scheduled to report on Monday morning, you will need to call back on Monday at **11:15 A.M.** for possible service at 1:30 that afternoon and again at **4:30 P.M.** for service the following morning. Our call-in system is intended to minimize the number of days you will actually be required to report to the Lake County Building; however, **ALL JURORS WILL BE CALLED IN AT LEAST ONCE DURING THE FIRST TWO DAYS OF THEIR WEEK OF SERVICE AND MUST BE AVAILABLE TO REPORT ALL WEEK.**

Jury Terms: Petit jurors serve for one week unless selected on a trial that runs longer. Grand jurors serve for one day a week for a four-month term. Your summons will indicate if you are being summoned as a petit or grand juror.

Reporting Time/Hours: Your reporting time will be included in the directions provided on the juror information line. You should plan to be available until 5:00 P.M. on the dates you are scheduled to report. The lunch break is generally from 12:00 to 1:30 P.M. Hours are subject to change.

County Building Entrances: There are only two entrances to the County Building. (1) On **County** Street at Madison Avenue. (2) On **Washington** Street between County Street and Martin Luther King, Jr. Avenue.

Juror Reimbursement

The Illinois General Assembly and Lake County Board have established a per diem reimbursement for jury service. This reimbursement is not intended to replace your daily wages. Rather, it's a token of the Court's appreciation and should cover your mileage and daily expenses during jury service. Your check is mailed to you the week following your service.

Excuses

Requests to be excused from jury service or deferred to a different date will be considered on an individual basis by the Jury Commissioners. Under Illinois law, jurors must meet certain qualifications. These qualifications include:

- being a Lake County, Illinois resident;
- 18 years of age or more;
- able to understand the English language;
- a citizen of the United States.

Written verification of medical excuses, proof of non-citizenship, and non-residency will be required. If you are a party in a case pending in Lake County, you will be required to provide the case number. If you provide false reasons to avoid jury service, you may be found in contempt of court, a crime punishable by fine or imprisonment.

Jury service is a vital function of Democracy. It is one of the most important duties of citizenship and is usually a very interesting experience. Jury Service will give you an opportunity to see your Court in action and to participate in the fundamental democratic process.

You will not be allowed to bring tape recorders, cameras, glass bottles, sprays, scissors, pocketknives, or any other sharp metal objects into the courthouse. Your cooperation contributes to a safe facility for us all. Thank you.

Jurors are encouraged to bring work or reading material to keep them occupied while waiting. Cell phones, pagers and laptop computers are permitted.

In accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation should, no later than seven days before your jury service, contact the Jury Commissioner by phone at 847.377.4600 (Telecommunications Device for the Deaf 847.625.7416), or write to the Court at the Jury Assembly Room, 18 North County Street, Room 110, Waukegan, IL 60085-4360.

COMPLETE AND MAIL BACK THE YELLOW QUESTIONNAIRE SECTION WITHIN 10 DAYS

ATTENTION JURORS: [Please read all instructions on the summons. If you have any questions, call: 973-693-5700.]

EXCUSE REQUESTS: All excuse requests must be in writing and received at least 10 days prior to your reporting date. Medical excuses must be accompanied by a doctor's note. Unless we have notified you in writing that your request to be excused was granted, you must report on the date summoned, at the stated time. If you checked an answer in the "RED BOX" on the questionnaire, **YOU DO NOT HAVE TO REPORT AS SUMMONED, UNLESS CONTACTED BY THE COURT.**

JUROR CALL-OFF MESSAGE (Petit Jurors Only): To determine if you are required to report as summoned, you must call (973) 693-5896 after 5 P.M. the evening before you are summoned to report for service. A recorded message will refer to the juror numbers (located on the JUROR badge portion of your summons) and will provide reporting instructions. If the recording is not available, you must report as summoned.

TERM OF SERVICE is for an anticipated two days or the duration of one trial. If you are in the jury selection process at the end of your second day of service or if you have been selected for a trial, you will serve until completion of the process or the duration of that trial, if selected. If you are not involved in a jury selection process at the end of your second day, you will generally be dismissed provided there are no unexpected trial demands for jurors.

GRAND JURORS: Please report on the date summoned, at the time stated on your summons (See other side). The term of grand jury service is one day each week for 17 weeks.

STATE GRAND JURORS: You will be notified of your reporting date, time, and location in a later notice.

▼ FOLD, CREASE AND CAREFULLY TEAR PERFORATION HERE ▼

▼ FOLD, CREASE AND CAREFULLY TEAR PERFORATION HERE ▼

TO SEAL RETURN QUESTIONNAIRE -- PLACE MOISTENED FLAP HERE

PLACE
STAMP
HERE

Essex County Jury Management
New Courts Building
50 West Market Street – Room 410
Newark, NJ 07102-1689
|||||

HARDSHIP EXCUSE: PLEASE PROVIDE THE DETAILS SUPPORTING YOUR REQUEST ON THE QUESTIONNAIRE (YELLOW PART ON FRONT) AND PROVIDE DOCUMENTATION, MAIL BACK IMMEDIATELY. PLEASE REFER TO THE NUMBER THAT YOU BELIEVE APPLIES TO YOUR SITUATION.

The Assignment Judge, or designee, will determine whether to grant an excuse from jury service. Statutory grounds for excuse include:

1. you are 75 years of age, or older (no medical excuse required)
2. you have served as a juror in this county within the past 3 years
3. you have a medical condition that is unlikely to change within the next twelve months, which will prevent your service as a juror and which is verified by a licensed physician
4. jury service will impose a severe financial hardship which will compromise your ability to support yourself or your dependents, considering factors such as household income, possibility of reimbursement, and expected length of service
5. you have the personal obligation to care for another who requires your personal care and no alternative care is available without severe financial hardship
6. you provide "highly specialized technical health care services for which replacement cannot be reasonably obtained"
7. you are a health care worker directly involved in the care of a handicapped person and your presence is essential to that person's "regular and personal treatment"
8. you are a full-time member of the instructional staff at a grammar school or high school, are summoned during the school term, and a replacement cannot reasonably be obtained
9. you are a member of a volunteer fire department or fire patrol, or a volunteer member of a first aid or rescue squad

COMPLETE AND MAIL BACK THE QUESTIONNAIRE WITHIN 10 DAYS

JURY INFORMATION

The Judiciary welcomes your participation as a juror. Jury service is one of the highest duties of a citizen, but we recognize the sacrifices you are making in terms of your time and energy. Therefore, we'll work to:

- reduce your service time to a minimum
- make your service as convenient and comfortable as possible
- review your suggestions on how to make jury service even better

We hope that your juror experience will be interesting and that you take great satisfaction from your contribution to the administration of justice.

NJS 2B:20-17 provides employment protection for jurors during jury service. If an employer penalizes a juror because the employee is required to attend court for jury service, that conduct may be found to be a disorderly persons offense. The employee may also bring a civil action for economic damages suffered as a result of the violation and for an order requiring reinstatement.

Names of prospective jurors are randomly selected from lists of licensed drivers, registered voters, filers of NJ gross income tax returns, and filers of homestead rebate applications.

CAREFULLY DETACH AT DOTTED PERFORATION BELOW, MOISTEN REVERSE SIDE IN 3 SPOTS AND FOLD TO SEAL. 2 YELLOW PANELS WILL FORM THE INSIDE OF THE ENVELOPE. THANK YOU

DETACH HERE

For public safety, all persons will be screened upon entering the Courts Complex. Chemical agents and anything resembling a weapon will not be permitted in the Court Complex.

Emergency closings will be announced on WKXW-101.5FM, TV Fox-5 TV and the juror Call-off Message 973-693-5896. Or call 973-693-5700.

Call-off Message (Petit Jurors only): After 5 P.M. the day prior to service call 973-693-5896.

For disability accommodations, please call: 973-693-5913. Call 1-800-852-7899 for TTY.

DIRECTIONS TO JURY PARKING (Building entrance across from parking)

From Rt. 280E: Exit 13, make right at light onto First St. At fifth traffic light, make left onto S. Orange Ave. Follow signs to juror parking.

From Rt. 3E: Rt. 21 (McCarter Highway) Make right onto Market St., left onto M.L.K. Jr. Blvd. Make right onto Springfield Ave. (Bear right onto So. Orange Ave.) Follow signs to juror parking.

From Rt. 78E: Take Clinton Ave. exit. Keep straight to end. Make left onto Avon Ave. Make right onto Irvin Turner Blvd. Make right onto South Orange Ave. Follow signs to juror parking.

Free parking is available only in the designated juror parking area. Note: There is ongoing construction at the court complex. Please pay attention to signs and to direction from Sheriff's Officers. Bring ticket to the jury assembly room for validation.



OFFICE OF JURY COMMISSIONER FOR THE COMMONWEALTH
560 Harrison Avenue, Suite 600, Boston, Massachusetts 02118-2447

SUMMONS for JUROR SERVICE

You are hereby summoned to serve as a TRIAL JUROR commencing on:

★ WEDNESDAY, JANUARY 16, 2008 AT 8:30 AM
LAWRENCE SUPERIOR COURTHOUSE, 2ND FLOOR
43 APPLETON WAY, LAWRENCE, MA 01841

YOUR PIN #:
492684

- You will be mailed a reminder notice about 10 days before your scheduled date. It will contain a map and directions to the courthouse. Please notify us of any address change.
- You may postpone your juror service, if necessary. (See page 2, Section E, below.)
- A knowing failure to obey this summons without justifiable excuse is a crime, which is punishable by a fine of not more than \$2,000 upon conviction.
- Please keep this card and refer to your Badge #, below, whenever contacting us.



Jurors with mobility impairments may call 1-800-843-5879 so that necessary accommodations can be made.

VERY IMPORTANT: You must submit the Juror Confirmation Form (Page 3 below) within 10 days of receipt. See other side for details.

PAGE 1

009151

Please Follow These Instructions:

PAGE 2

Review "Juror Instructions and Information" (JII) pamphlet, pp. 4-5, then complete the Juror Confirmation Form by either (1) filling out the Form below, detaching, and mailing it, or (2) logging on to our web site and completing the Form online at www.MassJury.com/juror.

GUIDE to COMPLETING the JUROR CONFIRMATION FORM

SECTION A: Read page 5 of the JII, "Reasons For Disqualification." IF QUALIFIED to serve as a juror, fill in the circle to the right of SECTION A, then skip Sections B and C.

SECTION B and SECTION C: Read page 5 of the JII, "Reasons For Disqualification." If NOT QUALIFIED to serve as a juror, fill in the circle under the appropriate reason number in SECTION B, then provide details in SECTION C. (If you claim reason 9 or 10, you must send a doctor's letter, along with the Juror Confirmation Form, in an envelope.)

SECTION D - OPTIONAL COURTS for HARDSHIP TRANSFER: If you have a HARDSHIP that you believe will prevent you from appearing at the specified courthouse, you may request a change of court location. Fill in the circle to the RIGHT of the listed court to which you wish to transfer. You must provide a detailed explanation of your hardship in the space provided to the RIGHT of the listed courts. If the name of the court you prefer is not listed, then it is either fully scheduled, not in your district, or is not a court that uses jurors. **Please Note: INCONVENIENCE IS NOT A HARDSHIP.**

SECTION E: If you wish to postpone your date of juror service, complete SECTION E, below. **Note: You may request to postpone to any business day up to one year from your original date.** You will be scheduled on the closest available date.

SECTION F: If you are HEARING IMPAIRED and will need an FM assistive listening device, fill in the circle to the right of SECTION F.

SECTION G: YOU ARE REQUIRED BY LAW TO COMPLETE THIS SECTION WHETHER OR NOT YOU SERVE. Providing this information helps ensure that the jury pool reflects the diversity of all of our citizens. Your response will not affect your selection for juror service. Fill in the circle(s) next to the designation(s) that applies to you. You are also required to indicate if you are Hispanic/Latino.

SECTION H: Please date, sign, detach, and mail the Form unless you are responding online.

Juror Confirmation Form

PAGE 3

Badge #



SECTION A: I am qualified to serve as a juror.

SECTION B: Disqualification

1 2 3 4 5 6 7 8 9 10



SECTION C:
Disqualification
Details

SECTION D:
Hardship Transfer

PBDY-D



LYNN-D



Hardship:

NBPT-S



SALM-M

SECTION E: Postponement

Month | Day | Year

SECTION F:
Hearing Impaired

SECTION G: Demographic Information

1. Black/African American White
Native Hawaiian/
Pacific Islander American Indian/
Alaskan Native
Asian Other (specify) _____

SECTION H: I certify under penalty of perjury that the information provided herein is true and complete to the best of my knowledge.

2. Are you Hispanic/Latino? Yes No

Date Signature of juror or person authorized to sign

Appendix I

Two Ways to Submit the JUROR CONFIRMATION FORM

1 If you have **INTERNET ACCESS**, you can complete the Juror Confirmation Form online at:

<http://www.MassJury.com/juror>

You will be asked to log on by providing your **Badge Number** (located above your name on Page 1 of your summons) and your **PIN #** (located above the Badge Number on Page 1 of your summons). Once you have logged on, you will be guided step-by-step through the response process.

OR

2 Using a black ink pen, fully complete the Juror Confirmation Form (Page 3). Detach and mail it (you do not need to use a stamp; we pay for the postage).

THE ONE DAY / ONE TRIAL JURY SYSTEM

You have been called to juror service under the One Day/One Trial jury system. This means that prospective jurors who are seated on a jury will serve for the duration of that trial, while those not seated on a jury will complete their service at the end of the day they appear (unless the court orders otherwise). In Massachusetts over 90% of jurors complete their service in one day, and over 95% are done in three days or less. However, jurors should be prepared to serve three or more days when they appear for service, in case they are needed by the court. Jurors for whom extended service is a hardship will be able to tell the judge about their hardship before being seated on a jury.

THE IMPORTANCE OF THE DEMOGRAPHIC SURVEY

The integrity of our jury system is critically important to our courts and our society. One means of ensuring this integrity is to closely monitor whether the pools of jurors that are summoned represent the community at large as closely as possible. A juror is never identified by his or her response to the demographic information survey, and this information is not used in any way to determine what happens to a person as he or she passes through the jury system. Demographic data is used only for statistical purposes. **You are required by law to complete SECTION G.**

Please **PRINT CLEARLY** any name and/or address changes. Check the box at the end of each line containing changes and circle details to be changed.



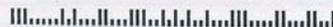
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 48283 BOSTON MA

POSTAGE WILL BE PAID BY ADDRESSEE

OFFICE OF JURY COMMISSIONER
560 HARRISON AVENUE SUITE 600
BOSTON MA 02118-9706



Dear Prospective Trial Juror:

You have been randomly selected by computer to serve as a trial juror at the courthouse named on your summons.

Jury duty is a responsibility that all qualified citizens must share. There are no exemptions from jury duty. Doctors, lawyers, police officers (and their relatives), the clergy, parents, students, the self-employed, public officials (elected and appointed), and even judges are eligible to serve as jurors.

Massachusetts has adopted the ONE DAY/ONE TRIAL jury system where a trial juror serves for one day or for the duration of one trial, unless the court orders otherwise. About 95% of our jurors serve three days or less; 80% serve for just one day. If necessary, you may postpone your jury duty once to any court business day as long as it is not more than one year from your originally scheduled date. If the date you selected is not available, the computer will schedule your service for the next available date. You do not have to provide a reason to postpone your jury duty.

The law requires a fair cross-section of each county's qualified residents to be available each day for jury duty. Thus, some jurors will not necessarily serve at courts nearest their homes and churches. There is no attempt to deliberately discriminate anyone.

Respectfully,

Jury Commissioner
for the Commonwealth

RESIDENTS / INHABITANTS.

A resident of a county, OR an inhabitant of a county for more than 50% of the time, whether or not a registered voter, shall be qualified to serve as a trial juror in that county unless one of the reasons for disqualification listed below applies to you. (Inhabitants of counties who live out of state and study here (inhabitants) must see sec. 23)

Students who live in one Massachusetts county (residents) but serve in study in a different Massachusetts county (inhabitants) must serve in the county in which they are summoned; 3 Massachusetts residents who study out of state must serve in their home county when summoned at their Massachusetts residence.

HARDSHIP TRANSFER.

To change your court location within the county, you must provide specific evidence of hardship that prevents you from appearing at the courthouse to which you have been randomly summoned by computer. Please explain your hardship in brief detail on the Juror Confirmation Card. Hardship transfers are granted on a case-by-case basis. Grounds for a transfer, inconvenience is not. (Out-of-county transfers are prohibited by law.)

POSTPONE.

You may postpone your date of service to any available business day within the county if your originally scheduled date is unavailable. You must provide the reason for postponing. Please be advised that the date you select may not be available. In that case the computer will schedule you for the next available court date.

HEALTH.

If you are ill or disabled, you may postpone your date of service (see "Postpone" above); transfer your service to a court location closer to you (see "Hardship Transfer" above); or request to be excused from jury duty. If you are unable to appear for jury duty, a doctor's note is required. The physician must describe your illness or disability and state why you are unable to serve as a juror. If you have a permanent disability, a physician's letter must so state, identify and describe your disability, and further state that you will never be able to perform juror service.

PRIMARY LANGUAGE/HEARING IMPAIRED.

To serve as a juror, you must be able to speak and understand the English language (see Reason 4 on page 5). A person called for jury duty who is hearing impaired may appear with a translator of his or her own. The court has the discretion to permit a translator to assist a hearing impaired juror during a trial and jury deliberations if the court can not work with the juror. Also, a juror who is hearing impaired can not work with a juror who is hearing impaired. It is only those jurors that should complete Section F of the Juror Confirmation Form (page 3). Additional information for the hearing impaired may be obtained by contacting our TTY line: 1-800-538-5202.

PRIOR JUROR SERVICE.

If you have appeared at any state or federal court for jury service within the prior 3 years and are summoned again by this Office, you are disqualified from service. You must provide the date(s) and location of your prior jury service.

A FEW THINGS TO KNOW ABOUT JURY DUTY

dates(s) of prior service. Having been excused by mail or by phone means you are not considered prior service. The burden of providing proof of prior or pending juror service is on you. Exact details must be furnished.

COMPENSATION.

Unless relieved of this obligation by the court, your employer must make arrangements to pay you for your jury service. If you are called for jury service, you may work because of your services. All employers - be they full-time, part-time, temporary, or casual employees - must be compensated by their employers for work hours missed. Failure of those employers to comply is a criminal offense. Upon the 10th day and every day thereafter, the employer must pay you your lost wages, plus \$50 per day. Once released from your juror service, especially if early in the day, you are strongly advised to return to your normal daily routine.

AGE.

If you are age 70 or older, you may serve or choose not to serve as a juror. If you choose not to serve, please complete the "No" box on the #2 box in Section B, providing your date of birth on the line in Section C, signing your name in Section H, and mailing the pre-paid postcard back to us. If you are under age 18 & have been summoned, follow the same procedure but "X" the #3 box instead.

STUDENTS AND PARENTS.

Only a judge may excuse you from service for hardship. You must report to the courthouse on the scheduled date of your service if you seek to be excused for hardship. The law allows no exceptions from jury duty. Everyone is eligible. Remember: You have the option to postpone, or you may request to be excused from jury service within your county if your circumstances constitute a hardship.

SELF-EMPLOYED.
Only a judge may excuse you for hardship for this reason. You must report to the courthouse on your scheduled date if you seek to be excused. There are no exemptions from jury service. Everyone is eligible. You have the option to postpone, but being self-employed is not a sufficient hardship on which to base a request for courthouse matter.

FELONY CONVICTION.

If you have been convicted of a felony within the last 7 years, or are currently charged with a felony, or are presently in the custody of a correctional institution, you are disqualified from jury service. See Reason 7 on page 5.

STANDBY NOTICE.

(A notice instructing you to call the courthouse, and not the Office of Juror Commissioner, on the day before your reporting date to learn if your attendance is required). Not all courts use this system. Standby notices are not required for all courts. If you do not report as scheduled, if your reminder notice does not place you on "Standby Status", report as scheduled.

NIGHT SHIFT WORKERS.

You are not required to work beyond midnight of the night before your first day of juror service. You may not work while you are summoned on a full unless authorized by the trial judge. You may request to be excused from jury service if you are a night shift worker released by the court after 4:00 P.M.

A map and directions to the courthouses at which you will serve will be mailed to you approximately ten days before you are scheduled to appear to serve.

REASONS FOR DISQUALIFICATION APPEAR ON OTHER SIDE

REASONS FOR DISQUALIFICATION

RE: THE JUROR CONFIRMATION FORM
(page 3 of this summons package)

It is important and necessary for you to read the following before completing and mailing the Juror Confirmation Card. If you claim a disqualification, you must provide details in Sections B & C on the Juror Confirmation Card. The following is a numbered list of disqualifications allowed by law. If one applies to you, "X" the appropriate numbered box in Section B on page 3 and provide the required details in Section C.

- (1) Not a U.S. Citizen (Write alien card identification number, if any, and any other pertinent information.)
- (2) Age 70 or older & choose not to serve. (Write date of birth.)
- (3) Under age 18. (Write date of birth.)
- (4) Cannot speak and understand English. (Write primary language.)
- (5) Moved permanently outside the county. (Write new address.)
- (6) Living full-time outside of the county without returning at anytime for more than 1 year. (Write a brief

explanation: i.e. active military service; medical membership; includes your out of state address. Usually does not apply to students.)

(7) Convicted of a felony within the past 7 years, or currently charged with a felony, or currently in custody. (Write the specific charge & date of conviction. If in custody, you must report to see if yours was a felony and not a misdemeanor conviction.)

(8) Previous juror service within the past 3 years, or currently scheduled for juror service. (Write dates) or currently of prior or currently scheduled jury service.) Note: This includes any previous jury service previously summoned but excused by mail or phone and not required to appear in court.

(9) Physically or mentally incapable of performing jury duty; note from a doctor or Christian Science Practitioner stating that you are physically or mentally incapable of performing jury duty if he or she can perform a sedentary job requiring close attention for 6 hours a day, with breaks in the morning and afternoon, for 3 consecutive days. If a permanent disability, explain how your disability prevents you from serving and further state that you will never be able to serve.

If you have read all of the information contained in this entire summons package and you still have questions you may call the Office of Juror Commissioner, toll-free, at 1-800-THE-JURY.

This line is available 24 hours a day, 7 days a week offering personal assistance on weekdays during business hours (Monday through Friday, 9 AM to 4:30 PM) and recorded messages at answer most common questions at all times.

When you call during business hours, please be patient. We receive a high volume of telephone calls per day. Our toll-free number is reachable only when you are calling from within Massachusetts. If out of state, please write to us at:

OFFICE OF JUROR COMMISSIONER
560 Harrison Avenue, Suite 600
Boston, Mass. 02118-2447

FOR MORE INFORMATION,
YOU MAY VISIT OUR WEBSITE AT:
www.massjury.com
ALSO, PLEASE READ THE ENCLOSED
TRIAL JUROR'S HANDBOOK

City of Massachusetts
THE OFFICE OF JUROR COMMISSIONER

JUROR INSTRUCTIONS AND INFORMATION



Answers Inside to Many Common Questions

OPEN for Information About:

- Disqualification Reasons
- Age
- Hardship Court Transfers
- Prior Service
- Hearing Disability
- Postponements
- Compensation
- Students
- Night Shift Workers
- Parents
- The One Day/One Trial System
- Self-Employment

PLEASE READ BEFORE CALLING