
**A SURVEY AND ANALYSIS OF JUROR SATISFACTION
IN THE BILLINGS MUNICIPAL COURT**

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ABSTRACT

The purpose of this paper is to determine the level of satisfaction felt by jurors who serve in Billings Municipal Court (BMC) and to develop a plan for improvement. The current jury management system has been thoroughly examined to identify its strengths and weaknesses. Recommendations for improvements are made in accordance with and pursuant to several sources: the twelve elements of *Jury System Management*, the *Trial Court Performance Standards*, and Montana state law. Specific juror commentary determines the priority in which recommendations will be implemented. The proposed enhancements will have a profound effect upon BMC operations, jurors and the citizens served by each.

Satisfied jurors perform at a rate superior to those who are dissatisfied, which results in increased access to justice. The main objective of this study is to determine the means by which to ensure juror satisfaction and to enhance the current jury management system by streamlining policies, practices and procedures. To determine current levels of juror satisfaction, a written survey was distributed to an entire annual pool, followed by individual interviews of a smaller focus group summoned for single jury panel.

A broad spectrum of information is available regarding endeavors to enrich the jury service experience in courts across the nation. Results from each method were combined with the ideas gathered through research to develop a new approach to jury management and to implement changes that will meet the goals of this project; namely to produce satisfied jurors and thereby enhance BMC litigants' access to justice.

The most influential enhancements to be implemented as a result of this study will involve education. Therefore, the majority of recommendations include specific

initiatives which must be undertaken to provide information to staff, jurors and the community of Billings, Montana. The remaining recommendations involve juror comforts and amenities and establish the means by which to maintain an efficient and effective system to manage BMC jurors. Recommendations encompass three major areas: enforcement of jury summons, jury satisfaction with participation and community and staff education. Each area will play a role to increase juror yield over time. Further, these enhancements will propel Montana's largest municipal court into the future and set a precedent in jury management among courts of limited jurisdiction.

INTRODUCTION

If the community loses faith in the government's ability to provide justice, or loses respect for the courts in particular because they have arbitrarily failed to protect the one truly democratic institution in the system, the integrity of the judicial system will be irreparably damaged.

*- G. Thomas Munsterman,
Jury System Management*

In Montana, an offender has the constitutional right to a trial by jury for any offense charged. This is an inherent right guaranteed in all cases, be it the simplest citation for speeding or failure to obtain a business license to the most serious misdemeanors, including domestic violence or drug and alcohol offenses and all felonies. Given the rising number of court filings and the broad expanding case type continuum, it is not surprising that the number of jury trials held each year in Billings Municipal Court continues to increase annually. It is essential to the American system of justice that the right to a trial by jury be not only preserved, but improved through enhancement of juror satisfaction.

HISTORY AND PREFACE

In 1468, Sir John Fortescue, Chief Justice of the King's Bench, proclaimed trial by jury to be "the most rational and effective method for discovering the truth."¹ In essence, the respect and confidence in the jury system is based on the premise that multiple minds exercising common sense are superior to that of a single judicial officer. In the United States, the right to trial by jury is guaranteed by the Sixth and Seventh Amendments to the U.S. Constitution. This right is also codified in the Montana State Constitution and regulated by the State Legislature. More than two hundred years after

¹ Delaware State Bar Association (©2004) *Association Publications*,
<http://www.dsba.org/AssocPubs/tfartic.htm>

the founding of this country, the American jury continues to play a crucial part in our democracy.

Jury duty is one of the only experiences that allows a citizen to participate directly in our system of governance. Service on a jury is both a right and an obligation of citizenship.² Unfortunately, many Americans have negative feelings about the prospect of serving on a jury. As a result, when summoned, a large number make excuses or fail to respond, thus avoiding the obligation to serve and never receiving the fruits of the privilege. It is imperative to discover why so many seek to avoid jury service. Once the obstacles are identified, judges and court administrators must embark on a campaign to re-energize juries and make service a satisfying and rewarding experience.

Across the nation, attention is focused on the importance of juries and the need to improve the jury system. Such enhancements are beneficial not only to those who serve, but also to litigants, court staff and citizens at large. A thoughtfully managed juror has the opportunity to actively participate in the American system of justice while performing a civic duty. Jurors who are engaged in the process are immediately more satisfied with service than those who simply acquiesce. Furthermore, studies indicate that satisfied jurors are better able to focus full attention on the cases they hear, which aids in rendering a fair, factually based verdict to each litigant.³ While much of this information is based on research with regard to juror note taking, one may infer from this research that juror satisfaction correlates directly to comprehension of court proceedings throughout the jury service process.

² Pennsylvanians for Modern Courts (2002) *The Jury Project*, <http://www.pmconline.org/juryprog.shtml>.

³ Delaware State Bar Association (©2004) *Association Publications*, <http://www.dsba.org/AssocPubs/tfartic.htm>.

Several factors may contribute to, or detract from, a juror's ability to concentrate, which impacts comprehension. Physical or emotional discomfort, uncertainty about expectations or confusion with regard to verbiage or practices may cause a juror to feel distracted or intimidated. Such feelings may cause a juror to withdraw or to become disinterested in the task at hand. Clearly, the implication is that a disinterested or distracted juror does not perform as well as one who is engaged to learn.

In the search for a survey instrument, research must be done to develop questions that will provide meaningful data. Once the questions have been asked and the results tallied, it is essential to consider the implications of each enhancement prior to the implementation of any changes. Experts advise that the most powerful improvements may be those that are not originally anticipated or that go beyond the scope of the original project.⁴

A number of systemic reforms can be implemented to make jury service more palatable for citizens and more manageable for court staff. One may make an educated guess about which areas of the jury management system require improvement; however, to be certain, the jurors themselves must be polled. Fortunately, jurors are often willing to offer opinions and suggestions about the areas that affect their service.

As more litigants exercise the constitutional right to a jury trial, the weaknesses of jury management processes emerge in the forefront of court administration. The purpose of this study is to pinpoint the strengths and weaknesses of current jury management procedures and make recommendations which will enhance the experience of those serving on a jury in Billings Municipal Court (BMC).

⁴ Gomez, G., Munsterman, G. T., Slater, A. (1999). Education Session Article: *Better Treatment for Jurors*. Court Technology Conference (CTC6). <http://www.ctc8.net/showarticle.asp?id=37>.

The primary goal of these efforts is to increase community and staff education with regard to jury duty obligations. Secondly, study results will provide data for the development of efficient jury management procedures, including enforcement of jury summonses, which will collaterally benefit jurors, litigants, court staff, and the citizens who are served by the justice system. Over time, these two will act together to increase juror satisfaction and juror yield in this jurisdiction.

JURISDICTIONAL DEMOGRAPHICS

The city of Billings is located in south-central Montana, situated between the Rocky Mountains to the West and the Great Plains to the East. Boasting a population of just over 100,000, the “Magic City” is the largest in the state. While it may seem that a community this size would be a world away from the larger urban centers such as Los Angeles, Seattle and Denver, Billings suffers from many of the same maladies related to the rampant use of drugs, especially methamphetamine, and crimes associated with addiction and mental health issues. Billings is also one of several cities designated as part of the Rocky Mountain High Intensity Drug Trafficking Area.

With an average of 30,000 case filings per year, BMC is the largest of the five municipal courts in Montana. Falling within its jurisdiction are all misdemeanor offenses which occur in the city limits. These include, but are not limited to, all traffic citations, city ordinance violations, partner or family member assault, obstructing a peace officer, resisting arrest, theft, forgery and DUI. In addition, civil claims up to \$7000.00 may be filed in the Municipal Court. This court also has exclusive jurisdiction for suits in which the City of Billings is a party. Essentially, BMC functions as the “people’s court”, adjudicating offenders for a wide variety of offenses and fulfilling area citizens’ myriad of requests for small civil judgments.

Annual Jury Pool Selection Process

Each year the Municipal Court Jury Commissioner transmits a request to the Clerk of the Thirteenth Judicial District Court of Montana to designate the number of citizens who will serve as potential jurors for the annual Municipal Court jury pool.

These names are randomly selected from the list of registered voters in each county.

Upon receipt of the random list of potential jurors from the District Court, the Jury Commissioner sends to each person a jury summons letter and questionnaire. (*See Appendices A, B*). A response to the court is requested within seven days of receipt.

The Jury Commissioner separates the questionnaires of those who are reporting availability to serve from those who are requesting excuse from duty. Each affidavit of excuse is granted or denied after considering § 3-15-313 Montana Code Annotated, which provides, in part:

- (1) The court or Jury Commissioner with the approval of the court shall excuse a person from jury service upon finding that jury service would entail undue hardship for the person or the public served by the person
- (2) If a person believes jury service would entail undue hardship for the person or the public served, the person may make and transmit an affidavit to the Jury Commissioner for which the person is summoned, stating the person's occupation or other facts that the person believes will excuse the person from jury service. The affidavit must be filed with the Jury Commissioner, who shall transmit it to the court. The court or Jury Commissioner with the approval of the court may excuse a prospective juror from jury service if the prospective juror satisfies the provisions of subsection (1).
- (3) A person who is chronically incapacitated by illness or injury may request a permanent exclusion from jury service by making and transmitting an affidavit to the Jury Commissioner of the person's place of residence. The affidavit must include a certification by the person's physician that the person is chronically incapacitated by illness or injury. The affidavit must be filed with the Jury Commissioner, who shall transmit it to the court. The court or Jury Commissioner with the approval of the court may permanently excuse a prospective juror from jury service if the prospective juror satisfies the provisions of this subsection (3).

Pursuant to § 3-15-404 M.C.A. the Jury Commissioner enters the list of qualified jurors into a computerized database which will be used to track qualification, eligibility and availability. The annual pool is comprised of citizens who report availability to serve and those whose requests for excuse were denied. Once the qualification process is

complete, the Jury Commissioner mails an informational letter to each qualified juror. (See Appendix C). The letter also includes parking and contact information and an invitation to attend juror orientation for those who will be included in the annual pool. For those requesting excuse, it is at this time that they are advised in writing whether the requested relief from jury duty was granted or denied pursuant to state law. (See Appendices D, E)

Jury Pool Yield 2005-2006

In 2005, the Jury Commissioner requested 2500 names to be randomly drawn from the voter rolls. **Table A** demonstrates the response to summonses issued:

TABLE A

Response	Result	Percentage
Available	Qualified	41%
Affidavit Requesting Excuse	Request For Excuse Denied: Qualified	5%
Affidavit Requesting Excuse	Request For Excuse Granted: Disqualified	14%
Returned By Post Office: Forward Address Out of Jurisdiction	Disqualified	3%
Returned By Post Office: Undeliverable	Disqualified	2%
Deceased	Disqualified	>1%
Failed To Respond	Disqualified	34%

As shown above, just less than one-half of those summoned were actually qualified for service in annual jury pool. A promising 41% responded as able, and presumably willing, to serve as jurors; however, it is troubling to note that approximately one-third, or 34%, failed to respond to the summons at all. It is possible that, although

the mailing was not returned, the summons was delivered to the wrong address or that the person is deceased or no longer living in the area. Unfortunately, it is equally plausible that the person received the summons and may be qualified to serve, yet he/she elected not to respond.

Currently no formal procedure exists to hold citizens accountable for failing to respond or to determine the reason for their lack of response. However, in July 2005, volunteers were employed to telephone all jurors who had failed to respond to the annual jury summons. During the call, citizens were encouraged to return questionnaires for qualification. Some individuals were unavailable when phoned, or the telephone number was disconnected. In cases where the phone number was valid and callers had the opportunity to leave a voice mail, the volunteers were instructed to leave an informational message reminding the individual summoned to return the questionnaire if they had not yet done so. Statistics to establish the effectiveness of this practice are unavailable; although it can be reasonably presumed that a second contact contributed to the return of additional responses.

Juror Orientation

Currently, juror orientation is held annually in BMC. During this hour-long noon session, the presiding judge discusses the importance of jury service and expresses gratitude to the jurors for appearing that day and for accepting the duty to serve. Background information is also shared which relates to the court and its operations, including a brief description of municipal court jurisdiction, the number and types of cases filed annually and the average length of jury trials. The Jury Commissioner then

provides information with regard to the annual juror selection and the summons and check-in process. Jurors are provided an opportunity to ask questions and are again thanked for fulfilling a civic duty. These jurors also receive an informational juror handbook and a refrigerator magnet which displays a message bearing the Court's gratitude for their service along with a calendar with each trial week plotted for the coming year.

Trial and Docketing Procedure

If litigants wish to proceed to trial at the time of the Omnibus/Pretrial Hearing, he/she will receive an order setting trial "during the week of" the next trial week. (*See Appendix F*) This order also directs the litigants to attend a Calendar Call, at which a trial date certain will be set during the designated trial week. Jury trials are held one out of every four weeks in BMC. Calendar Call is scheduled eleven days before the first day of trial week. The Calendar Call proceeding was instituted to enhance trial certainty, as continuances are rarely granted after this date. This session serves as a last opportunity for litigants who wish to settle a case to finalize the matter before the Court and to be removed from the trial docket. Calendar Call also affords the parties who will proceed to trial the means to provide last-minute stipulations and trial information or to voice scheduling requests for the trial week.

The Billings Municipal Court has one elected judge and one part-time assistant judge. The courthouse contains a single courtroom and one jury deliberation room. Generally, more than 60 cases are set for each trial week. It is physically impossible to hear 60 jury trials in one week; however, arrangements can be made to hear up to three

trials in one day by borrowing courtroom and deliberation space from the nearby Justice and/or District Courts and employing judges pro tempore.

At Calendar Call, the presiding judge calls each matter before the Court to determine whether the parties have reached a plea agreement or whether the parties wish to proceed to jury trial. If the parties have reached an agreement, it is presented to the court for approval, entry of guilty plea and sentencing. If the parties have not yet reached an agreement, but desire additional time to discuss settlement, the matter is set aside on the calendar to allow the parties additional time to discuss details. They immediately step outside the courtroom to share information and make final agreements, as the case will again be called before the court prior to the adjournment of the day's proceedings.

Calendar Call also affords an attorney a final opportunity to withdraw from a matter in which a litigant has failed to maintain contact. In this situation, the case is removed from the trial docket and a bench warrant is issued for the litigant's failure to appear.

The majority of cases scheduled for Calendar Call are settled prior to arrival or shortly thereafter, negating the necessity for a trial and leaving an average of ten to twelve matters scheduled for trial week. Litigants who are unable to reach settlement by the end of Calendar Call proceedings advise the Court whether they desire a trial by judge or a trial by jury. This is also the time at which the parties advise the Court of the number of the expected length of trial, the number of witnesses and any last minute discovery or pretrial matters which may need attention.

On a heavy trial week, up to four jury trials will still be scheduled for any given day at the conclusion of the Calendar Call. Considering the limited resources and based upon past experience, the Jury Commissioner must gamble that at least two trials will

settle per day, yet be prepared to handle each matter regardless. This includes obtaining extra courtrooms in which to hear the trial, locate judges pro tempore who are available to hear a one-day trial and to summon additional juries at the last minute.

Panel Selection Procedure

Currently, one panel of forty jurors each is summoned for each day of trial week. Letters summoning potential jurors are sent to those randomly selected from the annual pool approximately two weeks prior to trial week. The summons letter indicates the date and time to report, location and parking information and an advisement estimating the length of trial. The juror is instructed to telephone the dedicated phone number on the letter to confirm receipt and to appear on the date summoned.

Upon phoning in, the juror receives a voice message asking that he or she provide their name, date for which they have been summoned, and confirmation of availability for service on that date. If requesting excuse, jurors are asked to indicate the reason for the request and to provide a telephone number to which the call may be returned. Only certain requests for excuse are granted immediately, i.e. surgery or other medical procedure or illness, or previously scheduled travel. The remaining requests for excuse are often delayed a response up to 48 hours prior to the trial date. This allows the Jury Commissioner time to assess the number of available jurors on the date summoned, which in turn determines which jurors may be excused for other types of hardship. Whenever possible, jurors who have requested an excuse are phoned with an advisement that the request may not be granted immediately and that they will be contacted once the Commissioner has received a response from the majority of the panel.

At the time of this study, jury panel summonses were mailed to potential jurors before it was known which trial(s), if any, would be held on a given day. As noted above, jury summons letters are sent two weeks prior to trial week, yet Calendar Call, an event at which trial dates certain are determined, is held only eleven days prior to trial week. This can result in having a jury summoned for a day when a trial will not be held or having too few juries summoned for the number of trials scheduled to proceed on a given day.

When a summoned jury is no longer needed, they should be cancelled as soon as possible. While every effort is made to notify jurors as soon as possible if they will not be required to serve, for several reasons it is often difficult to make that determination until immediately prior to trial. As noted in the Final Report of the Blue Ribbon Commission on Jury Improvement (Kelso, 2006), often it is not until the very last moments that a prosecutor knows whether all of his/her witnesses will testify. Similarly, a defendant may not decide to accept a plea until faced with the imminent arrival of a jury.

Conversely, if an additional jury is needed for a given day, they must be summoned on short notice. In this case, jurors will receive a summons only one week in advance. If the information regarding number of trials could be determined earlier, the appropriate number of jurors could be summoned with the usual two weeks advance notice. As a rule, the larger number of days advance notice for jury duty, the larger the yield per panel. This stands to reason, as jurors are more readily able to arrange service into their weekly schedules.

LITERATURE REVIEW

According to one study by the American Judicature Society, on average, about twenty percent of those summoned to jury duty each year do not respond. It is imperative to consider why so many Americans seek to avoid jury service and to address their concerns.⁵ Efforts to enhance the jury service experience will boost juror yield and increase access to justice throughout the community.

Jury satisfaction research encompasses a broad range of factors. However, three specific prongs emerge in virtually every study: community education regarding the importance of jury service, specific improvements designed to make jury service more convenient, more comfortable or less burdensome, and development of effective procedures to address juror failures to appear for duty when summoned. Reports submitted by the Blue Ribbon Commission on Jury Improvement⁶, Pennsylvanians for Modern Courts⁷, and A Study in Six Courts⁸ include these three broad areas, as well as additional detail with regard to juror privacy or other areas of specific localized interest.

Other sources cover only a single area of administration. For example, the American Legislative Exchange Council (ALEC)⁹ transcribes testimony regarding measures brought before Texas law makers to enforce jury summonses. The proposed bills include penalties for those who fail to appear for jury service, as well as those who

⁵ *American Legislative Exchange Council* (2003, May) Texas Senate Committee on Jurisprudence in Support of Legislation to Improve the Jury System, HB2923, testimony of Silverman, Cary, Esq. on behalf of the American Legislative Exchange Council. <http://216.55.186.23/alec/index.php?id=1110>

⁶ Kelso, Prof. J. Clark, (2006, May 6) *Final Report of the Blue Ribbon Commission on Jury System Improvement*. Retrieved July 2005
<http://www.courtinfo.ca.gov/reference/documents/BlueRibbonFullReport.pdf>

⁷ Pennsylvanians for Modern Courts (2002) *The Jury Project*, <http://www.pmconline.org/juryprog.shtml>

⁸ Matthews, R., Hancock, L., Briggs, D. (2004). Home Office Online Report. *Jurors' perceptions, understanding, confidence and satisfaction in the jury system: a study in six courts*. National Center for State Courts Library, Williamsburg, VA

⁹ *American Legislative Exchange Council* (2003, May) Texas Senate Committee on Jurisprudence in Support of Legislation to Improve the Jury System, HB2923, testimony of Silverman, Cary, Esq. on behalf of the American Legislative Exchange Council. <http://216.55.186.23/alec/index.php?id=1110>

attempt to prohibit or discourage an employee from fulfilling a civic duty. Another single-factor study finds that those who report having an educational experience on jury duty seem to be more satisfied than those who report confusion or disinterest. To create a learning environment or to maintain interest in the case at hand, some courts allow juror note taking. The Delaware State Bar¹⁰ is a strong proponent of juror note taking, as it is believed to enhance comprehension, which promotes interest and educationally valuable to the juror.

Not surprisingly, some studies reveal that the physical environment has a significant impact on juror satisfaction. The Citizens Jury Project¹¹ reveals a variety of juror concerns regarding physical space and comforts afforded in the courthouses of New York, NY. This study also explores the use of technology to provide education and information to jurors, analyzing the effectiveness of telephone call-in systems, as well as websites and pamphlets.

*Principles for Juries and Jury Trials*¹², *Jury System Management*¹³ and the *Trial Court Performance Standards*¹⁴ each set forth guidelines and preferred practices to assist in the establishment of a strong foundation on which to base policy and procedure for jury management systems in individual courts. Essentially, these manuals can be used independently or in combination to formulate an efficient system to manage juries,

¹⁰ Delaware State Bar Association (©2004) *Association Publications*, <http://www.dsba.org/AssocPubs/tfartic.htm>.

¹¹ Eggers, Jane, (2002, December 27) *Citizens Jury Project, Summer/Fall 2002 Report on Juror Concerns: July 1, 2002-November 30, 2002*. <http://www.juryproject.org/Reports/pdfs/findec02.pdf>.

¹² American Bar Association (2005) *Principles for Juries and Jury Trials*©. <http://www.abanet.org/juryprojectstandards/principles.pdf>.

¹³ Munsterman, G. Thomas, (1996) *Jury System Management*. Court Management Library Series, National Center for State Courts, Williamsburg VA. http://www.ncsconline.org/WC/Publications/KIS_JurManJurySysMgmt.pdf.

¹⁴ Institute for Court Management (1997, July) *Trial Court Performance Standards with Commentary*. National Center for State Courts Library, Williamsburg, VA.

collect and analyze statistical data for use in documenting and enhancing procedures. While each court must address a variety of localized issues, it is essential to codify a systematic approach to jury management fundamentals.

The American Justice System seeks to provide each litigant the opportunity to be tried by a jury of his or her peers and to ensure individual justice in individual cases. To do this, courts must constantly strive to improve juror diversity and yield. This goal spearheads the effort to discover why some jurors seek to avoid service and propels courts to make efforts to alleviate juror concerns. A juror is the sole participant who can provide a first-hand account of the jury service experience, highlight shortcomings or compliment strengths of the system. Therefore, we must seek feedback from these citizens and carefully track responses in order to make adjustments to the jury management system, which will promote equal access to justice for all.

METHODOLOGY

Two methods were used to determine the current level of BMC juror satisfaction; first a written survey to the qualified annual pool, then individual interviews of focus group participants.

Subjects

Group 1—A letter of thanks and an invitation to participate in this survey was mailed to the 750 qualified Municipal Court jurors serving in the 2004 – 2005 pool. (*See Appendices G, H*). The 319 who responded to the written survey comprise Group 1. Of these, 65% of the participants are between 45 and 65 years of age and older; 53% are identified as female; 30% of the participants were retired or unemployed. **See Table B.**

TABLE B
Group 1 Demographics

Age	18 -24	2%
	25-34	8%
	35-44	14%
	45-54	20%
	55-64	21%
	65 & Over	24%
	No Response	11%
Gender	Male	35%
	Female	53%
	No Response	12%

Occupation	Category 1 <i>Small Business</i> <i>Sales</i> <i>Education</i>	26%
	Category 2 <i>Corporate</i> <i>Doctor</i> <i>Lawyer</i>	8%
	Category 3 <i>Retired</i> <i>Student</i> <i>Homemaker</i> <i>Unemployed</i>	30%
	Category 4 <i>Labor</i> <i>Trade</i> <i>Technical</i> <i>Clergy</i>	8%
	Category 5 <i>Clerical</i> <i>Medical Field (not Dr.)</i>	14%
	Category 6 <i>No Response</i>	15%

Group 2—Each of the twenty-six jurors who reported to the courthouse for duty on October 11, 2005 were telephoned in November of 2005 and asked to participate in an interview regarding their experience. The interviewer was unable to contact seven of these individuals, while two others declined to participate. The seventeen jurors who accepted the interview opportunity became Group 2. The average participant in this group is 48 years of age. The gender of these participants is evenly split, with nine being female and eight male. Six have labor-related occupations, five professional, and four are retired or homemakers. The remaining two have clerical vocations.

Survey Design

Group 1—The exact origin of the survey instrument (*See Appendix H*) used for this group is unknown, although the form is similar to one which has been approved and used by juror satisfaction expert Thomas Munsterman¹⁵. The sixteen questions posed touch on each of the twelve elements in *Jury System Management* Munsterman (1996) and are aimed at establishing current levels of satisfaction with the entire jury service experience.

Survey responses from these 319 participants were tabulated and analyzed to determine which of the current procedures work well, which are in need of improvement and finally, what new procedures should be implemented.

Group 2—Each of the seventeen participants were interviewed individually over the telephone using a set of twenty-five questions. (*See Appendix I*). The questions, developed by this researcher, were designed to test and compare the conclusions drawn from the written survey completed by Group 1. The inquiries were also constructed to elicit feedback regarding potential improvement efforts and to include the twelve elements of jury system management. Each person was encouraged to freely provide feedback and to propose new ideas. Comments were recorded and responses were tallied for use in comparison with conclusions drawn from the Group 1 written survey results and to focus on enhancements of greatest interest to participants.

¹⁵ G. Thomas Munsterman, Principle Court Management Consultant, National Center for State Courts, 300 Newport Ave, Williamsburg VA.

FINDINGS

At a glance, the survey responses indicate that jurors are satisfied with the check-in procedures, physical comforts, parking, personal safety and security currently in place. Jurors report positive responses with regard to contact involving court staff, and the majority polled reported a positive impression of jury service overall. However, a number of responses indicate that jurors desire improvement with regard to the Court's respect for their time. The need for scheduling changes and public education also became evident from the survey responses.

The data consistently suggests that it will be necessary to minimize the burden of service while encouraging citizen participation. A multi-faceted approach will be required to address scheduling concerns, the quality or condition of court facilities and advanced staff training. Most importantly, the court must institute a campaign to provide education to the public regarding jury service and develop effective procedures to address those who fail to appear for duty. Without question, BMC jurors need more education about court processes and confirmation of the Court's respect for their time.

Group 1 – Written Survey Results

Of the 750 written surveys mailed to eligible jurors in 2005, the court received 319 responses. This is calculated as a 43% yield. A total of ten surveys (1%) were returned by the Post Office as undeliverable. It is interesting to note that, of the surveys returned, the percentage of non-response was greater on page two of the survey than on page one. The survey instrument was distributed as a double-sided copy. The first eight questions were on the front of the page; the remaining questions were on the back. Either

the questions on the back were too specific for those who never reported to the courthouse, the questions were of a more personal nature, and therefore, some participants refused to respond, or it is possible that location of questions nine through sixteen on the survey may have been overlooked.

At the outset, the majority of the questions in the survey instrument were reliable, for example, question one, "*How many days did you report to the courthouse?*" is relatively straightforward. The majority of jurors who responded claim to have reported to the courthouse for jury duty only once; however, it is surprising to note that 36% claim to have reported more than once. Given the one day/one trial standard, this number indicates that over one-third of the jurors polled fulfilled their duty and reported at least twice. Questions two, three and four of the survey appeared to be confusing to recipient, and therefore, resulted in inconsistent or unreliable responses. Consequently, data from these questions was disregarded.

Question five determines whether or not the participant has ever served on jury duty before. Prior to this experience, 64% of the jurors surveyed had never served before. The inquiry does not establish whether those who had previously served had done so in BMC or in another court. Further, there are no parameters to determine whether the question was meant to include the number of times the juror had served in the past five years, ten years or in a lifetime.

Question six has seven components, which encompass orientation, check in, physical comforts, personal safety, parking and scheduling. The rating for initial orientation was eliminated, as BMC holds orientation only once per year with an average attendance of 200 jurors. The number of jurors who both attended orientation and

responded to this questionnaire is unknown. More than one-half of the respondents rated the check-in process and parking facilities as *Good*, while between one-quarter and one-third of jurors responding rated these categories as *Adequate*. Very few, if any jurors rated satisfaction in these categories as *Poor*. Juror satisfaction with physical comforts/amenities was nearly an even split between *Good* and *Adequate*. **See Table C.** The majority of jurors also rated their feeling of personal safety while on duty as *Good*, which correlates to a question posed later in the survey about court security. Rating of the court’s eating facilities was not used, as the court does not have in-house dining rooms. Meals are either catered for jurors when necessary, or jurors are excused for a meal and must choose from restaurants in the downtown area.

Of all categories, the area of greatest concern was the scheduling of juror time. While approximately 45% of participants rated this category as *Adequate*, the largest rate of dissatisfaction, 14%, was found in this category. Only 33% of jurors felt that the scheduling of their time was *Good*.

TABLE C

Rate of Satisfaction with Court Facilities

	Category	Good	Adequate	Poor	No Response
A.	Check-in Process	60%	32%	5%	3%
B.	Physical Comforts/ Amenities	49%	41%	7%	3%
C.	Personal Safety	71%	25%	0%	4%
D.	Parking Facilities	65%	26%	3%	6%
E.	Eating Facilities				
F.	Scheduling of Your Time	33%	45%	14%	8%

The survey does not contain a question seven¹⁶. Question eight has four components related to satisfaction with court staff and a free form comment section. Billings Municipal Court staff received an overwhelmingly positive rating from survey participants. **See Table D.** Over 80% of jurors responded that court staff members are friendly, courteous, available to address questions and able to offer answers. A large majority, although not as many as in other categories, also felt that staff members were willing to take the time to explain things to them. It is also encouraging to note that fewer participants failed to respond to these questions than any other section of the survey.

TABLE D
Rate of Satisfaction with Court Staff

	Category	Good	Adequate	Poor	No Response
A.	Are friendly and courteous	88%	12%	0%	0%
B.	Are available to answer my questions	82%	17%	1%	0%
C.	Know the answers to my questions	81%	18%	1%	0%
D.	Are willing to take the time to explain things to me	74%	16%	2%	8%

Question nine is focused on loss of income as a result of jury service. While 86% of jurors indicated that they did not lose income as a result of jury service, 14% indicated that they lost an average of \$208.78 per day. Payment to jurors who serve a full day in BMC totals only \$25.00.

Question ten asks the participant to rate their impression of jury service. Although the court received feedback that improvement is necessary in some identified

¹⁶ Through drafting of the original document, the numeric 7 was inadvertently omitted due to clerical error.

areas, jurors appear to be satisfied overall. **See Table E.** More than half of those polled have the same positive impression of jury service that they had prior to being summoned. In fact, 11% indicated that their impression of jury service was more favorable than before. A total of 9% have an unfavorable impression of jury service or an impression that was less favorable than before.

TABLE E

Impression of Jury Service After Having Served

The same as before – FAVORABLE	56%
The same as before – UNFAVORABLE	4%
More favorable than before	11%
Less favorable than before	5%
No response	24%

Question eleven refers to the participant’s ability to hear court proceedings. In the courtroom, voice amplification appears to be a problem. One-third of survey respondents reported some difficulty hearing court proceedings. Only slightly above one-third indicated that they *Never* had problems hearing court participants during court proceedings. One-third of respondents failed to respond to this question. This result may reflect the fact that not every individual surveyed actually reported to the courtroom.

Of the jurors responding to question twelve regarding the level of court security, 79% felt that the court was secure enough, none felt that it was too secure, and only 6% felt that the court needed to increase security. This reinforces the response to question six (d) regarding feelings of personal safety within the courthouse.

Question thirteen requests juror input regarding the ways in which jury service can be improved. These comments and suggestions are divided into four categories: Facilities, Staffing, Education and Other. The number one complaint with regard to court facilities is that the ladies restroom is located too far from the jury waiting room. The primary concern with regard to staffing is that the check in process is confusing. In the Education category, jurors complained that they are required to wait too long, which is a waste of their time. The remaining category included both negative and positive comments, with the most substantial complaint in this category reflecting juror dissatisfaction with being summoned multiple times, or with having a summons cancelled at the last minute. On a positive note, a number of jurors responded that they appreciated the court's voice mail check-in and information system, both upon receipt of the summons and the evening prior to trial.

Questions fourteen through sixteen are personal questions used to establish demographics of the study group.

Group 2 – Focus Group Interview Results

Seventeen jurors agreed to participate as members of a focus group by answering up to twenty-five questions regarding various aspects of their jury service experience. Only jurors who actually reported to the courthouse were interviewed, as the majority of questions were focused on items specifically related to the comfort and convenience of those who serve. Jurors who were dismissed during voir dire were asked fewer questions than those who were sworn in to deliberate and deliver a verdict. The additional questions specifically related to experiences that occur during testimony and deliberation.

Interview responses were positive in nature. **See Table F.** Respondents were satisfied with check in procedures, court security, personal safety and treatment by staff members. These jurors indicated no difficulties locating the courthouse or finding a place to park; however, a small percentage indicated confusion upon reporting to the second floor of the courthouse. All jurors claimed to be physically comfortable during service, although at least one commented that chairs were cramped or that jurors had to sit too long. Participants indicated that they had no problems hearing the parties in the courtroom, but responded that video tape evidence was difficult to hear.

TABLE F**Focus Group Rates of Satisfaction with Current Procedures**

	Procedure or Aspect of Service	Satisfied?	
		Yes	No
1.	Call-in system upon receipt of summons	15	2
2.	Ability to locate courthouse or a place to park	17	0
3.	Ability to decipher where to report on trial day	13	4
4.	Check-in process at Court Clerk's window	15	2
5.	Clear expectations set forth at each stage of jury service	16	1
6.	Time respected	17	0
7.	Treated with respect during all stages of service	16	1
8.	Ability to hear participants and understand courtroom proceedings	17	0
9.	Physical comfort in courtroom and jury room	14	3
10.	Court security	13	4
11.	Feeling of personal safety while in courthouse	16	1
12.	Service and information provided by bailiff	17	0
13.	Bailiff kind, informative, responsive	17	0

Of the proposed improvements or changes to procedure, jurors were most interested in an orientation video to be presented on the first day of jury service and access to newspapers, magazines or television to pass the time spent waiting to report to the courtroom. Enhancements with regard to the jury information booklet, website, web-based check-in or a short presentation by court staff garnered only a minimal amount of interest. It is encouraging that the citizens interviewed expressed that jury service was a meaningful, positive, valuable experience that they will speak well of to friends and family.

CONCLUSION AND RECOMMENDATIONS

The following recommendations conform to Montana state law, the standards for jury management as set forth by the American Bar Association (ABA) and are established in accordance with the Twelve Elements of *Jury System Management* Munsterman (1996), and the *Trial Court Performance Standards* ICM (1997). The applicable standards, laws and elements in each source are fully explored, providing detailed information with regard to compliance and highlighting areas in the current system which require improvement.

A wide variety of information is available regarding jury satisfaction, individual court jury management systems and efforts to improve satisfaction regarding the overall jury service experience. Enhancements benefit not only those who serve, but those who are served by the jury system. Research indicates that jurors who are satisfied are more likely to become actively engaged in the process and to perform well. Further, those who are satisfied with their service experience speak positively about it to others. This helps improve public perception of jury service and reduces the number of jurors who seek to avoid it, which, in turn, makes it easier for the Court to guarantee each defendant of a satisfied, engaged jury of his or her peers.

After considering the feedback provided by jurors polled, a set of specific, measurable recommendations are made. For several reasons, recommendations follow some of the basic elements outlined in *Jury System Management*. Munsterman explains that the Elements

“...are quantitative measures based upon achievable and demonstrated results of efficient jury system administration. The standards are not intended to be rigid or limiting; for there may be compelling and practical reasons why the standards defined here cannot be reached. Likewise, there may be other possible

improvements, which should not be neglected. In considering changes in a jury system, however, court managers should consider each of the following twelve elements as part of an interrelated whole and as a potential area for improvement.”

Each Element cites the applicable standards of jury management established by the ABA. Any suggested item that does not fit directly into these elements is correlated to the *Trial Court Performance Standards*¹⁷ (TCPS) set forth by the National Center for State Courts or made pursuant to Montana law.

Element 1: Jury System Management Plan

Identification of each jury operation, who is responsible and the plans for improving practices.

A jury system management plan is a written description detailing the responsibilities for managing the jury system, the policies of the court and the specific operating steps for each procedure. Most courts do not document their jury system operations. In fact, only a few states require a court to file a jury system plan. However, all federal district courts are required to have such plans. Munsterman (1996)

Recommendation 1: Develop a Jury Management Plan

Like most courts, BMC does not yet have a documented jury system management plan. As it is the largest municipal court in the state, it is essential to develop and implement such a plan. A sample jury system management plan is included in *Jury System Management*, or a Jury Commissioner may contact the nearest federal district court to obtain a reference copy of the plan on file.

To be effective, a jury system management plan must be sufficiently detailed to assist in defending the system against legal challenges, including a description of how state statutes are incorporated in the procedures. The management plan must also be used to guide staff training and to serve as a reference tool in determining who is responsible

¹⁷Trial Court Performance Standards 1997. National Center for State Courts Institute for Court Management 300 Newport Ave, Williamsburg VA 23185.

for making the system work. The plan should also delineate the procedure for collection and analysis of data that will be used to provide information for efficient management and public accountability of the system. Development of such a plan simply serves as a starting point to determine what changes are necessary to improve the jury management system.

A jury system management plan is a living document. As the court conducts research and implements change, each modification should be reflected in the plan. Such an ongoing record will allow the court to document and date the need for change, compare the present system with proposed improvements and explain the reasoning behind modification.

Recommendation 2: Establish a Juror Orientation Program

The results of this study prioritize the manner in which enhancements should be approached within the BMC jury management plan. First, an extensive juror orientation program must be established. Educating jurors about the justice system and their role within it will encourage active participation. Jurors who are actively engaged tend to perform better than those who are not. In other words, if a jury is told in advance at orientation and again by the judge what their duty requires, research shows that they will listen and process in accordance with these expectations. Specific suggestions are discussed in detail under *Element 5: Juror Orientation*.

Recommendation 3: Develop a Staff Training Program

The second component of the BMC jury management plan is to develop specific procedures and provide training for staff emphasizing juror treatment during all phases of service. Many jurors have had little or no contact with the justice system. As a result,

some may be nervous or irritated about serving. Although survey responses show a high level of juror satisfaction with BMC staff, it is essential that they continue to treat jurors as honored guests and that they are trained to provide as much information as possible within recommended guidelines.

Research indicates that simple explanations seem to be less satisfying than those that are detailed. When a staff member takes the time to particularize, jurors feel that they are respected and that their service is valued. How positively jurors view the court process is influenced by the quality of information provided by key personnel.¹⁸

Attention to such detail will relieve juror anxiety with regard to service and leave the juror with a sense of satisfaction about fulfilling a civic duty. Jurors who are satisfied with service will speak positively about it to others and will usually be willing to serve again when summoned. If those who have served have a positive impression of service and those who have never served have heard pleasant things about service, juror yield will improve over time. Either way, citizens respond most agreeably when provided with detailed information.

Recommendation 4: Clarify Roles and Responsibilities of Each Party

Clarifying the roles and responsibilities of the staff through the management plan will alleviate frustration and confusion with regard to jurors and the service they provide to the court and the community. This dedicated training document will raise the quality of assistance provided to each juror and standardize the manner in which information is offered by personnel. Staff must be trained to answer juror questions regarding the

¹⁸ Matthews, R., Hancock, L., Briggs, D. (2004). Home Office Online Report. *Jurors' perceptions, understanding, confidence and satisfaction in the jury system: a study in six courts*. National Center for State Courts Library, Williamsburg, VA.

judicial process and jury service but to strictly avoid providing information about the case at hand or the law. During training, it is imperative to distinguish the difference between procedural information and legal information that may compromise the integrity of the jury.

Element 2: Source Lists

Examination of present and potential source lists for inclusiveness and cross-section coverage.

Pursuant to state statute, all BMC jurors are randomly selected solely from lists of registered voters.

Nationwide, many courts accept the voters list as the single best source to use because it appears to provide an adequate cross-section of a jurisdiction. Secondly, such a list has many desirable features, the most notable being that it includes all those who have previously displayed civil responsibility by participating in elections. However, in critiquing the voter list process, it is important to consider that voter registration tends to peak every four years before a presidential election. Therefore, the voters list in the intervening years may not fully represent significant portions of the population, particularly among the young and transient. Further, a substantial proportion of those eligible for jury service may not register to vote. Munsterman (1996).

It is conceivable that some citizens may decline registration to vote in order to avoid jury service. Therefore, supplementing voter rolls with another, more common list appears to be a trend that will create a more reliable and consistent means by which to ensure diversity and a jury of ones peers.

In most jurisdictions the drivers list is generally thought to be far more inclusive than the voters list. For this reason, it is used in about half of the states. “In fact, a number of jurisdictions have gone to exclusive use of the drivers list with excellent results.” Munsterman (1996). Effective October 1, 2007, the state of Montana will begin

to supplement voter rolls with an additional list. Section 61-5-127 M.C.A. directs the department to begin submitting to the Clerk of District Court of each county a list of the licensed drivers and holders of Montana identification cards. This new legislation will likely result in a significant expansion of the base from which to randomly draw potential jurors each year. This procedural change will offer a larger variety of citizens the opportunity to serve as jurors, which, in turn, reinforces the court's ability to provide jurors who represent an accurate cross-section of the community. This process upholds each citizen's right to a trial by a jury comprised of his or her peers and increases access to justice.

Recommendation 1: Record Demographics of Current Juror Pool

To establish an index for comparison, it is essential that BMC record a detailed demographic accounting of the diversity of the 2005-2006 and 2006-2007 jury pool for comparison with those compiled after October 1, 2007. This information will be useful to determine whether drawing from a combination of lists improves jury pool diversity. A careful study of these pools will also provide a foundation on which build to support or oppose future legislation regarding source lists.

Element 3: Qualification and Summoning

Study of qualification and summoning processes to determine the most effective system and the least expensive means of delivery.

ABA Standard 1: Opportunity for Jury Service

The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction.

ABA Standard 3: Random Selection Procedures

- a. Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection.
- b. Random selection procedures should be employed in
 - i. selecting persons to be summoned for jury services;
 - ii. assigning prospective jurors to panels; and
 - iii. calling prospective jurors for voir dire.
- c. Departures from the principle of random selection are appropriate
 - i. to exclude persons ineligible for service in accordance with Standard 4;
 - ii. to excuse or defer prospective jurors in accordance with Standard 6;
 - iii. to remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
 - iv. to provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

ABA Standard 4: Eligibility for Jury Service

All persons should be eligible for jury service except those who

- a. are less than 18 years of age
- b. are not citizens of the United States, or
- c. are not residents of the jurisdiction in which they have been summoned to serve, or
- d. are not able to communicate in the English language, or
- e. have been convicted of a felony and have not had their civil rights restored.

After completion of the annual jury pool selection procedure and prior to each trial week, the judge requests a certain number of prospective jurors from the Jury Commissioner for each trial. Billings Municipal Court jurors for each jury trial panel are randomly selected by an automated system. A number of those surveyed indicated dissatisfaction with the receipt of multiple summonses, either within one given week or throughout the year. The Billings Municipal Court policy for juror service conforms to the ABA one day or one trial standard, which only requires a juror to serve on duty for one day or the length of one trial, whichever is greater. However, the jury management software utilized during the period in which jurors were surveyed was incapable of

automatically accounting for those who had previously served or those who were already drawn for a panel. Therefore, it was possible to create a summons for jury duty for the same individual each time a panel was drawn, unless an indicator was manually entered to excuse the juror for the remainder of the year. As a result, one individual could be summoned to appear for multiple jury panels in one week.

To compound the problem, the total number of jurors summoned for the annual pool in the 2004-2005 year was insufficient to meet the need of parties requesting a trial. As a result of the excusals after service, a small number of jurors remained in the annual pool in the final months of the year. Since the pool base had diminished, jurors were called repeatedly until excused permanently from the pool.

The Billings Municipal Court Jury Commissioner was aware of juror and staff frustration regarding jury summons procedures prior to participating in this study. Court staff had complained that the current software was cumbersome, provided no statistics and offered little more than overall qualification information. As a result, the Jury Commissioner made arrangements to purchase new software for jury management in October 2005¹⁹. The Court's first opportunity to use the software occurred during the writing of this report.

To date, the new software performs as promised. It seems to improve the random selection of jurors, accurately track juror availability for service and eliminate duplicate summonses. Court staff members have reported that the new system is simple to use and understand, and administration will benefit from the statistical information and related financial accounting reports. It is anticipated that jury satisfaction with scheduling and

¹⁹ FullCourt® CMS Jury Management Module, Justice Systems®, www.justicesystems.com.

use of time will improve as a result. The efficiency and simple operation of the new software will save staff time and enable the Court to provide service to citizens with accuracy and efficiency. To alleviate the complications related to insufficient numbers of juror names from which to draw, the Jury Commissioner requested from the Thirteenth Judicial District Court Clerk an additional 1000 names for the 2005-2006 pool.

Recommendation 1: Continue to Study Random Selection of BMC Jurors

The Billings Municipal Court Jury Commissioner must continue to study the random selection of jurors to ensure that improvements continue. Staff must also pursue training to gain advanced knowledge of the reporting capabilities of the new jury management system. Further, the new jury management database should be interfaced with the City's mainframe accounting system to print checks for payment to jurors. This enhancement would be relatively simple to program and would significantly reduce the time necessary to pay jurors for service. Considering the ease of implementation and the value of time savings, this Commissioner will pursue an import/export of data between computer systems to increase efficiency and accuracy.

ABA Standard 11: Notification and Summoning Procedures

- a. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be
 - i. combined in a single document;
 - ii. phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and,
 - iii. delivered by first class mail
- b. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.

- c. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening, and should request only that information essential for
 - i. determining whether a person meets the criteria for eligibility;
 - ii. providing basic background information ordinarily sought during voir dire examination; and
 - iii. efficiently managing the jury system.
- d. Policies and procedures should be established for enforcing a summons to report for jury service and for monitoring failures to respond to a summons.

Recommendation 2: Re-Format Juror Summons

BMC easily meets the requirements for ABA Standard 11 (a)(i) and (iii), as the annual jury summons letter includes a questionnaire and is mailed first class to each individual selected. However, the entire jury service letter must be re-formatted. The current form appears to be more of an invitation, which may lead jurors to believe that they have an option to serve or that the duty is not critical. The summons should instead be presented as a court order, reflecting the respect due and the duty required. If the summons is formatted in a way that conveys the significance of duty, jurors may be more likely to respond. Several jury summons examples can be found in *Jury System Management*, or the Court Administrator may contact other courts to develop ideas for improvement. Some courts include bar coding on the summons to assist with the check-in process or include tear-off juror badges, while others have an all-in-one single sheet mailer to avoid the need to insert summons in an envelope. A variety of options could be utilized, depending on the resources available and the equipment required. Considering the potential impact that these adjustments can make, the available enhancements must carefully reviewed to ensure that, if implemented, each is customized to fulfill a need identified by this Court. The wording of the summons will be the most powerful of all enhancements made as a result of this study.

Recommendation 3: Examine Annual Juror Questionnaire to Change or Eliminate Non-Essential Questions

Of particular national interest at this time is the issue of juror privacy. Pursuant to Standard 11 (c), it is recommended that the annual jury questionnaire be examined for possible changes and elimination of non-essential questions. A number of courts in the country are implementing procedures to de-personalize juror information by striking personal information inquiries from the questionnaire. Others limit the types of questions that may be asked by counsel during voir dire.

Recommendation 4: Conduct Research to Enhance Protection of Juror Privacy

While it is clear that there is a need to establish some protocol to protect juror personal information, such as address, phone number and place of employment, the scope of this project simply will not allow for extensive research or debate on the subject. It is recommended that further research be undertaken to develop policies to protect and ensure juror privacy.

Recommendation 5: Review Summons for Comprehension

To comply with ABA Standard 11 (a)(ii), the summons must be reviewed to ensure that instructions to the recipient are unmistakable and readily comprehensible. It should clearly state what is expected of the juror upon receipt, what telephone number to call for questions and what individual juror number has been assigned to the recipient. A map to the courthouse and directions to park will make the summons even more useful. To conserve space on the summons and to ensure that the message is easily understood by the reader, wording must be clear and concise. The summons must incorporate an advisement of sanctions for failure to respond to encourage a larger number of citizens to reply. This information is not currently included, as a policy is not yet codified.

Recommendation 6: Enhance Community Education Efforts

Surprisingly, many citizens appear to be unaware of the importance of jury service and a court's resulting power to enforce its summons. Jurors frequently state that they are unable to report for jury duty because they have to work that day or, shockingly, that a boss or supervisor does not approve of leave for attendance. These responses indicate a need for education throughout the community, not just to those summoned for duty.

The business community and employers must be educated with regard to the rights and obligations of each citizen to fulfill this civic duty. Section 2-18-619 M.C.A. provides:

- (1) Each employee who is under proper summons as a juror shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his juror time off against his annual leave, he shall not be required to remit his juror fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court.
- (2) An employee subpoenaed to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowances paid him by the court.
- (3) Employers may request the court to excuse their employees from jury duty if they are needed for the proper operation of a unit of state or local government.

Recommendation 7: Codify a Policy to Address Juror Failure to Appear

Billings Municipal Court does not currently have a written procedure for addressing those who fail to respond to a jury summons as provided in ABA Standard 11 (d). A written policy and procedure must be established, at a minimum, to issue an Order To Show Cause to jurors who fail to appear on the trial date for which they were summoned to appear. This policy should be created with the approval of the presiding judge and implemented by May 2006 so that such consequences can be clearly stated on the 2006-2007 summonses in conformity to Standard 11 (b). This policy must not only be established by the Court, but the Court must also adhere to and enforce it.

Unfortunately, enforcement of such a procedure may prove to be difficult. Judges in Montana are elected every four years. Currently, jury lists are comprised solely of registered voters. Therefore, it is not surprising that judges may be reluctant to formulate policies which provide for sanctions to constituents who fail to respond to a jury summons or fail to report for duty. This complication may be partially alleviated in October of 2007, when the state will begin to supplement voter rolls with the driver's list.

Jurors who appear at the courthouse must be advised of the necessity of their duty and appearance. It is just as important, if not more so, to advise of the consequences of failing to appear for jury duty to those who report to the courthouse as it is to advise those who do not appear as ordered. To fail to acknowledge the empty seats in the jury room is to diminish the value of service to those present and conveys the message that the court orders are not enforced and that jury service is not valued.

Likewise, it is essential, albeit more difficult, to create a written policy and establish procedures for addressing citizens who fail to respond to the annual jury duty

summons and questionnaire. At present, the court uses volunteers to telephone those who initially fail to respond. No procedure exists to address a citizen who fails to respond after the mailing and follow-up phone call. Statistics are not available for use in determining whether follow up phone calls actually increase juror yield; however, calls made by volunteers are free to the court, and likely do not reduce juror yield. Regardless, it may be helpful to gather such information to support the practice or abolish it.

A select few of Montana's courts of limited jurisdiction mail a second notice from which an increased response is reported. This practice is not recommended at this time due to the additional costs of postage and time required by staff to prepare the mailing, and it is unlikely that juror yield would increase at a rate significant enough to justify the expense. It may be more feasible to send the original summons via registered mail or to provide for personal service by a court officer to those who fail to respond.

Implementation of the majority of recommendations pertaining to ABA Standard 11 will be simple and require little or no additional financial outlay. However, modifications recommended in this section could easily prove to be some of the most powerful tools utilized by the court to improve juror education and yield. Modifications to the questionnaire should be approved by the presiding judge and implemented by May 2006. Although this deadline is imminent, it is necessary in order to ensure that BMC may utilize the modified documents for jurors in the 2006-2007 pool. Changes in summons format and language may or may not increase financial costs, depending on the style chosen and related printing costs. Increased educational efforts will aide in actively engaging and satisfying jurors. Satisfied jurors perform better, meaning verdicts are delivered with enhanced integrity. Such verdicts result in increased access to justice for

each and every person served by this court. As such, any expenses incurred will be justified and well worth the investment.

Element 4: Exclusions

Analysis of exemptions, ineligibilities, excuses, and postponements to increase cross-section and yield.

Some of the most frequent concerns about jury service are raised by the self-employed or those employed by small businesses. This response appears to be consistent across the nation. State law regarding exemptions is fairly broad. Section 3-15-313 M.C.A. provides:

- (1) The court or jury commissioner with the approval of the court shall excuse a person from jury service upon finding that jury service would entail undue hardship for the person or the public served by the person.

Jurors who are self-employed often complain that they stand to lose a significant amount of income as a result of service or that the office cannot function in their absence. Complaints also arise from professionals in specific occupational fields, such as medicine, law or law enforcement. While these individuals also indicate that they stand to lose substantial income while on jury service, most are convinced that they will not be chosen once their occupation is revealed. For example, a local attorney may say, "I'm a criminal lawyer and I know that they are not...actually going to choose me. I know too much." Therefore, reporting for duty is deemed a waste of time. Many medical professionals also cite the fact that appointments are scheduled months in advance and claim that jury service will cause a hardship to the patients they treat. The only exemption for a specific occupation under Montana law exists in § 7-32-4115 M.C.A.,

which states that no member of the police force shall be liable for jury duty while actually on duty.

The optimal jury panel is comprised of individuals who are representative and objective, and who are able to deliberate and reach a decision collaboratively. Significant educational efforts must be undertaken in order to instill a sense of duty with regard to jury service. “If you want to be free, there is but one way; it is to guarantee an equally full measure of liberty to all your neighbors” Carl Schurz (1829-1906) Eggers (2002). Potential jurors from all fields must be reminded of the duty citizenship requires and the obligation to fulfill such duty, regardless of occupation, income or social status.

In addition to offering education with regard to the necessity for juror panel diversity, it is wise to provide information about ABA standard “one day or one trial” rule. Potential jurors may be less apprehensive about service if they understood that they must only commit to service for one day, or the length of one trial, whichever is greater. Further, jurors must be educated as to the average length of commitment required to hear one trial. Mass media coverage of sensational trials and Hollywood’s interpretation of legal process and the justice system have contributed a skewed public perception of the proceedings within American courthouses. This is discussed further in *Element 5: Juror Orientation*.

Recommendation 1: Institute a Policy for Automatic Postponement of Duty

A clear majority of the jurors’ concerns with regard to summons centers on a need to postpone or defer service. There are a multitude of reasons why jurors want to postpone, often related to their lives outside of the courts. Two questions that the court system can continue to assess are how can jury service become more integrated in jurors’ lives so that they consider jury service a right and responsibility that they will make time for, and what further accommodations can be made in order to ease the burden that service can inflict on jurors’ personal lives? Eggers (2002).

To that end, it is recommended that the court institute a policy which provides for automatic postponement of service for up to 90 days for any reason. This will allow the juror a sense of control with regard to reporting for jury duty and increase overall satisfaction. It will be important to advise potential jurors of the policy regarding automatic, one-time postponement of service; first, so that individuals are aware of the policy and therefore enabled to elect the opportunity to postpone, and second, to alleviate concerns about serving when the time comes.

Element 5: Juror Orientation

Development of efficient orientation for jurors as part of their first day of service.

ABA Standard 16: Juror Orientation and Instruction

- a. courts should provide some form of orientation or instructions to persons called for jury service:
 - i. Upon initial contact prior to service (annual orientation/open house)
 - ii. Upon first appearance at the courthouse;
 - iii. Upon reporting to a courthouse for voir dire;
 - iv. Directly following empanelment;
 - v. During the trial;
 - vi. Prior to deliberations;
 - vii. After the verdict has been rendered or when a proceeding is terminated without a verdict;
- b. Orientation programs should be
 - i. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors;
 - ii. Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials. The trial judge should
 - i. Give preliminary instructions directly following empanelment of the jury that explain the jury's role, the trial procedures including note-taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - ii. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be recorded or reduced to writing and made available to the jurors during deliberations. (Give a copy of jury instructions to each juror before the judge instructs. Easy to implement; costs little or nothing. Only about 10 minutes of bailiff time and some sheets of paper.);

- iii. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system.
- c. Before dismissing a jury at the conclusion of a case, the trial judge should
 - i. release the jurors from their duty of confidentiality;
 - ii. Explain their rights regarding inquiries from counsel or the press; and
 - iii. Either advise them that they are discharged from service or specify where they must report.

The trial judge should express appreciation to the jurors for their service, but the judge should not express approval or disapproval of the result of the deliberation.

- d. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal should be in writing or on the record in open court. Counsel for each party should be informed of such communication and given the opportunity to be heard.

Recommendation 1: Establish an Extensive Juror Orientation Program

Juror feedback demands the largest number of improvements must be undertaken in the area of orientation. Simply put, the citizens of Billings, Montana need and deserve more information regarding the courts that they serve, the locations in which they serve and the American Justice System as a whole. These enhancements, like many suggested by this study, are related to information and education. As previously stated, educational efforts will create the greatest impact, as information relieves anxiety and is directly related to juror satisfaction. Satisfied jurors readily report for duty and perform better than those who are uninformed, misinformed or confused. Satisfied jurors are better prepared to work collaboratively and deliver a fair verdict, which increases access to justice for all in the community.

Adults learn new information most effectively when it is presented in a variety of formats, i.e., written, audio and visual presentation. Therefore, juror orientation information must be provided with a diverse array of media. Each type must provide information regarding source lists, random selection, exclusions, an explanation of the

process and basic legal terms. The more jurors understand about the process, the more satisfied they will be with their service. It is likely that they will share this education with those around them once they leave the courthouse, which leads to enhanced community knowledge of jury service and, hopefully, a positive public perception of service. If so, jury yield should improve over time, which again increases access to justice.

Across the country, jury commissioners report juror complaints about the time spent waiting for trial to start or during recesses. Jurors are found to be more dissatisfied about the time spent waiting when they don't understand why.²⁰ Those familiar with the justice system know that parties are predisposed to settle later rather than sooner in the process. As noted in the Final Report of the Blue Ribbon Commission on Jury Improvement, Kelso (2006), often it is not until the very last moments that a prosecutor knows whether all of his/her witnesses will testify. Similarly, a defendant may not decide to accept a plea until faced with the imminent arrival of a jury. For a variety of reasons it is also common to have delays during a trial, as the parties may need to meet out of the presence of the jury to discuss certain issues. This information must be relayed to jurors so that they may understand that delays and waiting are inherent in the justice system, and that these delays usually serve to preserve the process.

One of the most lasting negative impressions that a juror can take away from service is the feeling that his or her time has been wasted. The perception of wasted time is undoubtedly magnified by the uncertainty associated with jury service. Kelso (2006).

²⁰ Matthews, R., Hancock, L., Briggs, D. (2004). Home Office Online Report. *Jurors' perceptions, understanding, confidence and satisfaction in the jury system: a study in six courts*. National Center for State Courts Library, Williamsburg, VA.

Therefore, if the Court can maintain an open dialogue and provide information to jurors throughout their service, uncertainty will be replaced with knowledge and understanding. These two will lead to juror satisfaction, which eventually results in enhanced public perception of jury service and increased juror yield. Enhanced public perception and the resulting increased jury yield promotes and strengthens access to justice within the community.

Recommendation 2: Provide an Informational Presentation to Jurors by Key Staff

A large number of complaints about settlement or concerns about service could be avoided if jurors understood the nature of the justice system and details about the particular court in which they have been called to serve. The prime opportunity to educate jurors is at the time they actually report to the courthouse for duty. As mentioned previously, adults learn best when information is presented in a variety of media formats. A number of courts have the Jury Commissioner or a key staff member briefly present to those gathered for jury selection an informational overview of procedure (how does a case get to the court and proceed to trial?), statistics (how many cases come before the court each year? Of those, how many actually proceed to jury trial?), and jurisdiction (what kinds of cases come before this court?). Research indicates that jurors tend to feel valued when provided with information and direct contact with staff. Jurors who feel value in serving or feel that their time is respected also tend to report higher rates of satisfaction.

Billings Municipal Court should consider appointing a staff member to conduct a brief informational presentation, no more than ten minutes in length, to jurors as they wait to be called to the courtroom for selection. Due to the sensitive nature of staff

contact with a jury at any time prior to release from summons, it will be imperative to create a specific script, or at minimum, bullet points, under the strict direction of the presiding judge. Jurors may have questions following presentation; therefore, the Jury Commissioner and presiding judge should create a reference sheet for frequently asked questions, or ask jurors to refrain from asking questions until after a jury orientation video has been presented. Again, it is of the utmost importance to ensure that only proper information is shared with a jury prior to selection and at any time during trial in order to maintain the integrity of the process and to prevent a mistrial. If the presiding judge agrees that a staff presentation would be beneficial, such a procedure could be implemented for no cost and as soon as a script was created.

Recommendation 3: Create a Juror Orientation Video

Many U.S. courts present a 20- to 30-minute juror orientation video which briefly explores the justice system, provides definitions of commonly used legal terms and gives an overview of what to expect during jury service. In larger cities, juror orientation videos are presented on a website or on a local community television station at scheduled times, giving jurors the opportunity to view the information in the comfort of their own homes and prior to their arrival at the courthouse. This type of information could relieve the anxiety some jurors have about reporting, while also serving an educational purpose. The video may also be used to provide pre-reporting information such as the court location, schedule, parking, and procedures for requesting an excuse or postponement.

Currently, Montana courts of limited jurisdiction do not use an orientation video. Therefore, this enhancement would potentially benefit not only BMC, but all of the courts of limited jurisdiction in the state. Preliminary estimates indicate that a

professionally produced orientation video would cost approximately \$8,000.00. Cost may be reduced slightly by using the talent of college interns to assist in production or by providing actors and scripts for the video. Another alternative is to produce the video for sale to other courts. The fee should be affordable and used only to defray the costs of production. Either way, such a video should be generic enough in nature that it could be used in any limited jurisdiction court in Montana.

In Billings, the local station Community 7 would air the juror orientation video on a schedule as requested by the Court for no additional charge to the City. As the City of Billings pays to broadcast other matters on the station bi-monthly, cost to air the video would be included. If such a video is created to air on television, it is recommended that the juror summons include the time and channel where the orientation video could be seen prior to arrival at the courthouse. For those who are unable to tune into the local access channel prior to the date summoned, the video will be presented again to all jurors gathered at the courthouse for selection.

Creation and public broadcast of such an orientation video would enable the Court to educate a large number of citizens about the value and nature of jury service whether or not they are actually required to report to the courthouse. Further, it is likely that a number of citizens who are not even summoned for jury duty may happen upon the channel during orientation, or that area teachers may instruct students in government classes to watch the presentation for educational purposes. Production of a jury orientation video appears to be a versatile way to parlay information about jury service to area citizens and improve educational efforts within the community.

Recommendation 4: Enhance Juror Website

Unfortunately, many of the scheduling complaints were received from individuals who were never required to report to the courthouse. Much of this dissatisfaction is reported by jurors who received multiple summonses for a given week or month, or by those jurors who received a summons that was cancelled due to a last-minute settlement, dismissal or continuance of the scheduled trial. Again, it is key to share information with those summoned as to the nature of the justice system and the reasons that a summons may be cancelled.

Jurors are often required to rearrange personal and work schedules in order to appear for duty and, by doing so, jurors become invested in duty. Such investors should be provided information regarding the reasons why trials settle, often at the last minute, and the related national justice system trends. As individuals unfamiliar with the justice system, jurors may be unaware that cases are entirely dependent upon witness cooperation. If a witness fails to cooperate, a prosecutor may be required to dismiss a case for lack of evidence. Conversely, a defendant may be prone to a last-minute settlement or plea bargain when faced with an impending trial by jury.

In light of these facts and to better educate all citizens, it is recommended that the BMC's existing website be expanded to include a juror information section. This section should set forth the ABA standards and state statutes that apply to jury duty. In addition, it may be beneficial to include many of the same facts that would be contained in the staff orientation presentation given to those who appear for duty, such as jurisdiction of the court, basic statistical information and procedural details pertaining to trial and court proceedings. An additional benefit would be that such information could

be readily available to anyone visiting the court website at any hour of day. A frequently asked question (FAQ) section would also provide responses to common inquiries, such as those relating to parking, area eating establishments, average length of trial, common legal terms, and details regarding payment for service.

The City's website is administered by the City's Information Technology Department; therefore, no additional cost would be necessary to update the website or expand the breadth of topics available there. However, due to the volume of potential areas of interest, it may be advisable to hire a college intern pursuing a degree in Public Relations to attend to the research and formatting details. Ideally, the site would enable jurors to respond to summonses or post general questions; however, such an enhancement may necessitate additional software or technology. Consequently, this would require coordination with the City Information Technology Department and City Administration to determine financial impact and feasibility.

Regardless of the type or number of website enhancements that are implemented, it will be necessary to properly advertise the location of the website so that jurors may reference it. At a minimum, the web address should be contained in the juror handbook, on the annual jury summons and the on summons for individual jury panels. The jury section must also be easily accessible from the main page of the City's website and from the court information section. Some research will be required in order to determine other ways in which to promote the court and jury website as a resource. Again, the assistance of an intern would be useful during the development phase of this project.

Recommendation 5: Update Juror Handbook

The Billings Municipal Court currently utilizes an informational juror handbook borrowed from the Thirteenth Judicial District Court of the State of Montana and modified several years ago. While it contains the basic elements of jury service and outlines the jurisdiction of the Municipal Court, the handbook would benefit from an eye-catching update and the incorporation of the finer points mentioned earlier. Like the staff presentation, orientation video and juror website, the juror handbook should contain, among other things, court jurisdictional information, frequently asked questions, and perhaps a map to the courthouse which indicates available parking. The facts and frequently asked questions included in the handbook should be similar to those presented by way of the sources mentioned previously; to reinforce the messages conveyed therein with an alternate presentational format to provide the most effective learning opportunity. BMC's current juror handbook was in the process of being revised prior to commencement of this study; therefore, this recommendation may call for only a modest financial outlay, depending on choices made with regard to format and printing. Size must be limited in order to keep the reader's interest, and information presented in a concise and useful way. Again, the use of an intern with a major in Public Relations may be helpful in this endeavor.

Recommendation 6: Implement Staff/Volunteer Presence During Check-In

Jurors are honored guests within the court and should be treated as such. Often, these individuals are unfamiliar with the courthouse and apprehensive about service. To further complicate matters, the Billings City Hall building and the floor upon which the Municipal Court is located are somewhat difficult to navigate, particularly to those

visiting for the first time. It is recommended that the court position a staff member in the lobby outside the Office of the Clerk of Court to provide direction to jurors arriving at the courthouse for check-in. A volunteer or staff member would guide jurors who report for selection to the clerk's window to check-in, as well as escort to the waiting room those jurors who have completed the check in process. This aide would also answer questions raised about the jury trial processes to reduce juror anxiety and set the stage for a satisfying service experience.

This recommendation is currently being piloted in BMC with great success. Jurors are identified and greeted as they enter the building and given directions to the clerk's window for check in. A volunteer offers information regarding the location of area facilities or approximate wait time before being called to the courtroom. Jurors are escorted by the volunteer from the court lobby to the secure waiting area, where they remain until called to the courtroom by the bailiff. As the juror assistant is a volunteer, there is no cost associated with implementation.

Recommendation 7: Expand Duties of the Jury Greeter

It is recommended that the court further expand this program and use the volunteer to distribute juror informational handbooks or leaflets regarding service. He/she may also provide information with regard to City Hall facilities, the location of downtown area eating establishments or local coffee houses if jurors inquire.

Element 6: Term of Service

Adoption of the one-day/one-trial system whenever practicable to lessen the burden of jury duty on individuals

Many citizens are under the false impression that jury trials routinely last weeks or months. As mentioned earlier, this may be due, in part, to the sensational trials publicized by the news media or popular television shows which dramatize the justice system and over-emphasize events. Jurors fear being called away from work or family for days on end or being sequestered until the conclusion of a trial.

In fact, the average trial in BMC lasts only a single day. Billings Municipal Court adheres to the ABA recommended one day, one trial standard, which means that a juror's term of service is one day or no longer than the length of one trial. This information is included on the annual summons for duty included with the questionnaire, again on the letter sent after qualification, and again on each individual summons. It is included in the current juror handbook and will be included in the revised edition as well. Even so, survey results indicate that jurors are concerned about the length of trial and the subsequent upheaval of their normal life routines. Consequently, in order to successfully deliver this message, it may be necessary to reiterate during the jury orientation video, staff presentation and on the juror FAQ section of the court website information regarding the average time commitment required to serve as a juror in BMC. Such public education efforts will reduce juror anxiety about service and improve the yield for both the annual summons and for individual panels. Reduced juror anxiety results in enhanced juror performance and improved rates of satisfaction

Element 9: Calendar Coordination

Communication between jury system and calendar control to balance the numbers of jurors with court needs.

At the time of this study, BMC summoned jurors prior to determining the actual number of panels necessary for trial week. This could result in having either too many or too few jurors needed for the number of trials scheduled. To eliminate calling a jury needlessly or having to summon a jury on short notice, it is recommended that the Jury Commissioner issue jury summonses only after calendar call, when the number of trials to be held during trial week has been established.

Coincidentally, during the time that this research was being conducted, BMC's scheduling calendar was changed, setting calendar call back to fourteen days prior to trial week. Juror summonses may now be sent following the conclusion of Calendar Call, when the number of juries needed for a trial week is certain. This change may result in fewer juries called without need, and help to avoid summoning additional juries on short notice. Such enhanced efficiency will conserve valuable resources within the court and jury management system.

Element 10: Standby Jurors

Procedures for holding citizens available for jury service by means of telephone standby systems.

BMC does not currently utilize standby jurors; however, the court does use a phone messaging system to advise jurors when a trial is cancelled or moved and to relay special reporting information, such as an alternative report time.

Recommendation 1: Utilize the Internet to Share Information

It is recommended that BMC utilize the internet for possible website check-in and update of information. Utilization of such a technical feature will require additional research and development. The solution should necessarily be user-friendly, convenient and easy to use.

Recommendation 2: Research Alternative Methods for Holding Jurors Available

It is also recommended that the court further research a manner in which to hold one larger pool of jurors available for one entire week rather than summon one panel for each day. This will improve yield and result in greater convenience to the jurors and the Court. Currently, one panel is summoned for each day of the week; however, trials are not usually held every day during a trial week. The Jury Commissioner must determine the mean number of jurors it is necessary to summon in order to provide for the average or maximum number of trials per week. Such a change would result in greater satisfaction for jurors in the pool, as they could probably be released from the annual pool after one week of on-call service. In order for such a system to work, jurors must be aware of their individual juror number so that could check in each day to determine whether appearance is required.

Element 11: Voir Dire

Examination of voir dire practices to increase juror usage and to facilitate caseflow.

Recommendation 1: Examine Annual Jury Questionnaire for Changes and/or Re-Organization

Pursuant to ABA Standard 11(c), it is recommended that the annual jury questionnaire be examined for possible changes and/or reorganization of each query to

facilitate quick screening and to eliminate non-essential probes. To determine which questions are vital to voir dire examination, it will be crucial to survey prosecutors, defense attorneys and seek input from the presiding judge. Voir dire examinations may be condensed, yet enhanced by the preservation of only those questions which have been carefully designed to elicit eminent details necessary for counsel to determine which jurors can perform the duty required without undue bias. Efficient and effective voir dire results in timely commencement of trial, which will further reduce the burden to citizens who serve and promote cost-effective organizational operation.

Element 12: Monitoring and Control

Decision making based on collection and analysis of jury system operating data.

Juror comments and concerns can successfully guide the administration of justice; therefore, they must have an active voice in our courts. Eggers (2002).

Recommendation 1: Continue to Assess Levels of Juror Satisfaction

It is recommended that the BMC continue to assess levels of jury satisfaction by distributing satisfaction questionnaires to all who serve. Questionnaires may be completed prior to juror departure from the courthouse on the date of service, or the presiding judge may elect to distribute questionnaires with payment checks sent to jurors via the US Post Office within ten days of service. In either case, it is imperative to gather satisfaction data as soon as possible following service, when the thoughts and feelings related to the experience are at the forefront of the juror's mind. Obviously, the response rate would be higher if the Court requested completion of a satisfaction questionnaire

prior to dismissal of the juror; however, the presiding judge may wish to excuse the juror and follow up at a later date by providing a postage-paid return envelope.

Provided that follow up is conducted in a timely manner and that responses are regularly tallied and analyzed, the method of mailing questionnaires could prove to be operationally sound. Results should be compiled and compared in order to identify areas of dissatisfaction. In order to maintain standards and improve upon procedures, BMC must constantly and consistently query jurors and reflect upon their responses regarding satisfaction with jury service. No other source can provide the data necessary to guide the court on the path of progress, insofar as juror satisfaction is concerned.

Some of the issues raised by this survey were outside the scope of the guidelines set forth by the ABA standards or the twelve elements of Jury System Management. Fortunately, the National Center for State Courts Institute for Court Management has developed a set of standards for trial courts to consider when creating policy and procedure in a variety of aspects in court administration. The primary standard that is applicable here is Access to Justice.

TCPS Area #1: Access to Justice

Standard 1.1 Public Proceedings

Cost of access to court proceedings and records – whether measured in terms of money, time, or the procedures that must be followed – are reasonable, fair and affordable.

Recommendation 1: Improve Courtroom Amplification

A primary component of access to justice is to provide litigants and visitors the opportunity to participate in court proceedings. The jury's primary duty is to serve as the

fact-finder and assign the weight that is the importance of testimony. This hinges, in part, upon the Court's ability to ensure that participants and audience members alike are able hear the words spoken by each party in the courtroom. It is impossible for a juror to effectively perform his duties if he is unable to discern what has been said in the courtroom.

A number of jurors surveyed reported difficulty in hearing the participants during courtroom proceedings. Therefore, it is recommended that the amplification system and microphones be inspected and tested in order to improve sound quality in the courtroom. It may also be necessary to consult with an acoustics professional to determine if there are devices available that may be installed to amplify sound throughout the room. It is possible that there are structural elements in the courtroom that may be absorbing sound and hindering efforts to improve voice distribution.

Current courtroom setup includes microphones at the judge's bench, the counsel table for the prosecution and the defense, the witness stand and the podium. Each microphone has a volume control, which is set at nearly the maximum on each. The sensitivity of the microphone amplification system seems to be lacking. If the participant does not speak within inches of the microphone, the sound of his or her voice is not adequately amplified by the house public address system. Billings Municipal Court consulted a sound technician who indicated that a new equalizer may improve microphone sensitivity. It is recommended that further investigation be done to determine whether new microphones, wiring or other equipment will be necessary to properly amplify the spoken word in the courtroom. It will be essential to ensure that any

modifications or additional equipment will complement or function in conjunction with the Court's video arraignment equipment and recording equipment.

Standard 1.2 Safety, Accessibility, and Convenience

Court facilities are safe, accessible, and convenient to use.

Recommendation 2: Increase Court Security

Billings Municipal Court has a walk-through metal detector in the lobby outside the courtroom which is commonly used to facilitate security efforts during open court sessions. In excess of 150 individuals appear for such arraignment sessions. During jury trials, visitors to the court are not subjected to a security screen prior to entering the courtroom. Further, uniformed bailiffs and a court officer are not consistently present during trial. While survey respondents indicated a feeling of safety while visiting the courthouse, a number of remarks about the court's use, or lack thereof, of the walk-through metal detector indicated concern. The majority of jurors felt that BMC was secure enough, yet a number of jurors noted in hand-written comments that the metal detector was present but not used. This indicates that some felt the need for better security.

The court must utilize the walk-through metal detector to scan all visitors to the court for every type of session, including jury trials, and a uniformed court officer and bailiff must be present at all times. Such efforts will ensure the safety of the jurors, court staff and all participants. This may call for additional staff, or, at the very least, a redistribution of staff duties. The court is obligated to ensure the safety of those it serves. Supplementation of visible security measures may reduce juror anxiety caused by

personal safety concerns. A juror free from anxiety is better able to accomplish the tasks at hand than one who is nervous or distracted.

Recommendation 3: Continue to Assess Juror and Staff Satisfaction with Security Measures

In addition, it is recommended that the Court continue to assess levels of juror and staff satisfaction with regard to court security and to add or modify security measures as necessary to promote safety within the court. “Assessing security, like access for the disabled, must be a constant and unending court facilities process.” Eggers (2002).

Occasionally, a factor that contributes to jury satisfaction evades classification within published standards, elements or laws. Generally, these are localized issues which are simply a matter of juror comfort.

Juror Comforts

Survey results indicated a need for improvement in a number of categories unrelated to those previously discussed, yet all have a common denominator—comfort. Research suggests that juror dissatisfaction with courtroom or waiting room facilities affects juror mood and performance. Poor performance may result from jurors being too distracted to concentrate on proceedings and deliberations, which, in turn, erects a barrier between litigants and justice. Consequently, it is of the utmost importance to ensure that jurors are physically comfortable, which provides each the opportunity to serve to the best of their ability the BMC and each litigant. The presiding judge instructs the jury that each juror has the duty to deliberate uninfluenced by passion or prejudice. In order for jurors to adhere to this instruction, they must first be comfortable with their surroundings.

Recommendation 1: Enhance Community Education

As previously discussed, many Billings citizens are unaware of the duty to serve as jurors or the laws that apply to jury duty. Many have been misinformed regarding the terms of service or events pertaining to legal proceedings. It is recommended that BMC implement an annual campaign to educate the public about the value of jury service and the duty to participate. Some states have implemented a juror appreciation day or a law week to promote positive information about the courts and the services provided by jurors. There are informational posters, leaflets and radio spots available for purchase individually or as part of a package which advertises such events. Information could be posted on the BMC website as well. Educational leaflets and posters may be displayed with the approval of the presiding judge, City administration and the governing body of the City.

These educational efforts must not be limited strictly to adults. In order to achieve a long-term effect, BMC must educate area students with regard to the obligations of American citizenship. The Jury Commissioner or Municipal Judge could easily make a presentation to area civic groups, students and senior citizen centers regarding this specific civic duty and the related facts about service and the justice system. Such presentations may boost juror yield in the long term, while enhancing education to local citizens. It is recommended that the Court Administrator confer with the presiding judge to determine which efforts are the most influential and how each could be implemented in the most efficient manner.

Recommendation 2: Remodel Second Floor Restroom

Billings Municipal Court is located on the second floor of Billings City Hall, which was constructed in the early 1900's. The jury waiting room is located within a secure area on the second floor and it is surrounded by offices of various city attorney and police staff. A men's room is located immediately outside the door to the jury waiting room; however, the nearest ladies room is on the opposite side of the building from the jury waiting room, near the parking garage. This ladies restroom can only be accessed from the jury waiting room by a confusing route which requires an individual to travel down a hallway near private offices, out a secure door, around the courtroom and through the lobby near the Office of the Clerk of Court. To add to the inconvenience, jurors must be escorted by a bailiff to the restroom either individually or in groups pursuant to City security policies and to ensure that jurors do not come into contact with any of the parties in the trial, which could compromise the integrity of the jury. Such a practice is seen simply as an offensive invasion of privacy to the adult female who must announce her desire to use the facilities and then be escorted to do so.

To alleviate this problem, it is recommended that the court remodel the small men's room near the jury room to accommodate either sex. This would enable all jurors to freely utilize the facilities without supervision and embarrassment during wait time and deliberation. This would also eliminate the possibility of juror encounters with witnesses or litigants in the public restrooms during recess from trial.

It is unknown what repairs are and accommodations will be necessary to transform the current men's room into a unisex restroom. The Court Administrator will

confer with the City Facilities Manager to determine the scope of the project and formulate a project plan and a budget.

From an economic standpoint, the investment to upgrade facility would be further justified by the fact that, in addition to benefiting the jurors, the majority of the staff on the second floor, including police, city attorney and support staff from the court would utilize and benefit from the refurbished space. This modification would also conserve staff time spent escorting jurors from the waiting room to the restroom and back. Juror satisfaction with court facilities is likely to increase with this single improvement, while eliminating complaints about inconvenience and matters of privacy.

Recommendation 3: Provide Entertainment in the Jury Waiting Room

Nationwide, jurors indicate a desire for diversion while waiting to report to the Courtroom. Some courts provide access to television, newspapers or magazines, while others enable jurors to use telephone or internet services. The former entertains, while the latter provides a juror the opportunity to stay connected to work or family matters during down time.

The presiding judge has some concerns about allowing jurors access to television news channels; however, it may be possible to provide cable access to a home improvement network or other station that does not provide opinions or details regarding local current events. Any policy in this regard would necessarily require specific approval and oversight from the presiding judge. To implement, BMC may need to install or subscribe to cable service in the jury waiting room. Financial outlay would not likely be terribly burdensome, although the Court would need to determine whether the amount of use justifies the cost. Regardless, in order to maintain the integrity of the jury,

it is of the utmost importance that the programming be completely unrelated to any matter before the court or any of the parties involved.

Subscription to magazines or newspapers is a simpler modification to implement than the institution of television programming; however, it would require a determination from the presiding judge regarding which reading materials are appropriate. It is anticipated that magazines would be potentially less troublesome than a local newspaper, as magazines would not include local current event information. On the other hand, a nationwide newspaper, like the New York Times or USA Today may also be acceptable. The Court Administrator must inquire of the presiding judge whether there is an interest in providing such materials to jurors. If so, only the ones specifically named by the judge should be provided to jurors while waiting. The cost of implementation would be minimal, both in terms of time and financial cost, as the Court Administrator could simply subscribe to the magazines or newspapers desired.

It is unknown whether the presiding judge would approve of the use of telephone or internet services for jurors while waiting to report to the courtroom; however, such access is burdensome at best. First, the jury waiting room is a multi-purpose room. Only one computer and one telephone are available in the room. It is not easily feasible to add additional machines for computer or telephone access, as the room has insufficient space to do so. Secondly, the Court generally keeps the jury waiting less than one hour before bringing them to the courtroom for selection. This would significantly limit the free time available for an individual to accomplish computer related tasks. If BMC implements the informational staff presentation and juror orientation video procedures as recommended earlier, jurors will spend little or no time in the jury room without specific direction from

staff. Given space, time and economic constraints, it is not recommended that BMC pursue enhancements of this nature at this time.

Recommendation 4: Provide Refreshments for Jurors

Currently, BMC regularly offers coffee or water to jurors upon arrival and while they are waiting to report to the courtroom. Snacks or breakfast foods are not consistently offered. Lunch is supplied for jurors if the trial judge chooses to take a short trial recess rather than to excuse jurors from the building for a regular lunch break. When trials extend into the evening, the BMC also provides a dinner meal. A small percentage of survey respondents commented that they would appreciate additional beverages to select from, like tea or juice. Even more jurors mentioned that a snack upon reporting to the courthouse would be appreciated. One juror noted that many people do not eat breakfast in the morning; therefore, a mid-morning snack would be welcomed after waiting for over an hour in the jury waiting room. Other jurors made comments that indicated that food or drink offered regularly during service make jurors feel appreciated. Efforts to provide refreshments send the message that the court is concerned about juror comfort and individual well-being.

Merriam-Webster defines satisfaction as “fulfillment of a need or want”. Courts must endeavor to satisfy the needs of their jurors. A fundamental purpose of the court is to ensure individual justice in individual cases. Research clearly shows that satisfied jurors are better able to perform this vital civic duty when properly equipped with detailed information about the institution, legal procedure and the obligations of each party therein. Enhanced performance promotes increased access to justice, as jurors are

able to intelligently and actively participate in the deliberation and deliverance of a fair verdict to each litigant.

Survey results demonstrate that BMC jurors hold a favorable impression of jury service overall. The Billings Municipal Court must continue to do well the practices which have been fortified by this study and diligently examine the rates of juror satisfaction in every category. Development of a detailed jury management plan and an extensive educational outreach program is critical. The Jury Commissioner, with approval of the presiding judge, must establish a strict priority in which to implement, manage and document enhancements according to the project plan.

The Billings Municipal Court has a duty to uphold the rights of each litigant and to impart a jury of satisfied peers upon demand. Over time, jury management system improvements will increase juror yield, as citizens will have accurate information regarding the local court system and their civic obligation to participate. Increased juror yield will result in greater jury panel diversity, which promotes the selection of ones peers who will listen to the facts in each case and render a fair verdict.

In a speech on December 2, 1806, Thomas Jefferson proclaimed, “Under the character of jurors, the people exercise in person the greatest proportion of the judiciary powers.” This being so, it is the court’s obligation to provide an environment in which jurors may thrive, thus promoting their ability to concentrate, deliberate and deliver justice. To obtain justice for all, we, the people, must ensure juror satisfaction.

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Billings Municipal Court

P O Box 1178

Billings MT 59103-1178

June 15, 2005

Dear Citizen:

Your name has been drawn from the voter registration rolls to serve as a trial juror for the City of Billings Municipal Court in Billings, MT from September 1, 2005, through August 31, 2006 as ordered by the Court pursuant to § 3-15-701 and § 3-15-702 MCA.

**Please complete the attached questionnaire and return it within 7 days.
Correct your name and address on the questionnaire if necessary.**

To be eligible for jury service in Billings Municipal Court, you must reside within the city limits of Billings. If you reside or have moved outside the city limits of Billings, please return the questionnaire with a notation that your residence is outside the city limits and you will be excused.

When the Clerk of Court is directed to summon a jury panel, names of eligible jurors will be randomly selected by computer from the pool of eligible jurors. Prospective jurors will be notified by mail approximately 14 days prior to the date of the trial. Jury trials in Municipal Court are usually completed in one day. Jurors are reimbursed \$12.00 when reporting for the selection process and an additional \$13.00 per day if selected to serve on the jury panel.

The Court may excuse a person from jury service upon finding that it would cause undue hardship for the person or the public served by the person. If you believe that jury service will cause undue hardship, please complete the section "Affidavit to Claim Excuse" and return the form to the Clerk of Municipal Court. You will be notified by mail as to whether or not I am able to grant your request for excuse pursuant to state law.

The Court recognizes that jury service may be inconvenient for most people; however, the judicial system relies upon having an adequate number of qualified jurors available for service. Thank you for your conscientious citizenship.

Sincerely,

Mary Jane Knisely
Municipal Court Judge

PLEASE COMPLETE THE FOLLOWING AND RETURN WITHIN 7 DAYS TO:
CLERK OF MUNICIPAL COURT, PO BOX 1178, BILLINGS, MT 59103-1178

Qualification For Jury Service

(Please Print Or Type)

JUROR NAME
JUROR STREET ADDRESS
JUROR CITY/STATE/ZIP

SEX _____ AGE _____

MAILING ADDRESS: _____
(if different from above)

HOME PHONE: _____ WORK PHONE: _____

EDUCATION COMPLETED: High School _____ College _____ Post Grad _____

MARITAL STATUS: Single _____ Married _____ Divorced _____ Widowed _____

OCCUPATION: _____
Currently Employed? Yes / No If yes, where? _____

SPOUSE'S OCCUPATION: _____ # OF CHILDREN: _____ AGES: _____

Have You Ever Been Involved In A Court Proceeding? Yes / No
If Yes, Circle all that apply: INVOLVED NOW / IN THE PAST / CIVIL / CRIMINAL / PARTY / WITNESS

Have You Ever Served As A Juror: Yes / No
If Yes, In Which Court? _____ When? _____

I declare the information given is true and correct to the best of my knowledge and belief and acknowledge that willful misrepresentation of a material fact is a misdemeanor punishable by law.

Signature _____ Date _____

AFFIDAVIT TO CLAIM EXCUSE

If you feel you should be excused from serving as a juror, complete this section and have your signature notarized.

I, JUROR NAME, ask to be excused from jury service for the following reason(s):

Signature

Subscribed and sworn to before me this _____ day of _____, 2005.

Notary Public For The State Of Montana

Residing At _____

My Commission Expires _____



Billings Municipal Court

P O Box 1178

Billings MT 59103-1178

March 14, 2006

Prospective Juror
Juror Street Address
Billings MT 5910

Dear Citizen:

Pursuant to § 3-15-401 M.C.A., you have been randomly selected to take part in one of the most important acts of American citizenship. You will be a member of the Billings Municipal Court jury pool from September 1, 2004 through August 31, 2005. Jury duty service is an honor and privilege not to be taken lightly. It is paramount to the American system of Justice.

I realize that jury duty can sometimes be inconvenient for those who are selected; however, our legal system would cease to function if we did not have adequate jury pools. I hope the following information will minimize your concerns and insure that your service as a juror is a rewarding experience.

Municipal Court jury trials are generally concluded in one day. Trials are scheduled daily during one week per month; therefore, approximately five prospective jury panels will be called for each month.

If you are selected to report for jury duty, the Court Clerk will contact you by mail. Your letter will state the date and time you are to report for duty. If unforeseen circumstances arise (i.e. illness, employment, childcare, travel) that make it impossible for you to serve during the time requested, you may contact the Jury Commissioner, Nikki Schaubel, at 247-8653 to request to be excused. After reporting to serve as a juror for one trial, you may be excused for the remainder of the year upon your request.

When reporting for jury service, you may park in an hourly spot the Park III parking garage attached to City Hall or in the Park II parking garage near the Sheraton. Please check in at the Municipal Court Clerk's Office on the second floor of City Hall.

Upon check-in, you will receive your instructions and a check for \$12.00 for reporting to duty. Please present your parking ticket for validation at this time. If you are selected as a juror for that day's trial, you will receive an additional \$13.00 for your service.

You are encouraged to attend **Jury Orientation**, scheduled for Monday, August 30, 2004 from 12:00 p.m. to 1:00 p.m. Your attendance is strictly voluntary; no juror fee will be paid. Your duties as a juror will be further explained during orientation, and an overview of the justice system and Municipal Court procedures will be provided. I will also be happy to answer any questions that arise

Thank you for your continued conscientious citizenship.

Sincerely,

Mary Jane Knisely
Municipal Court Judge



Billings Municipal Court

P O Box 1178

Billings MT 59103-1178

March 14, 2006

JUROR FIRST NAME LAST NAME
JUROR STREET ADDRESS
JUROR CITY/STATE/ZIP

Dear Citizen:

Pursuant to § 3-15-401 M.C.A., you have been randomly selected to take part in one of the most important acts of American citizenship. You will be a member of the Billings Municipal Court jury pool from September 1, 2005, through August 31, 2006. Jury duty service is an honor and privilege not to be taken lightly. It is paramount to the American system of Justice.

I have reviewed your request to be excused from service. The statutory guidelines for excusal are very limited and often do not apply to the many requests received. While I realize that jury duty can sometimes be inconvenient for those who are selected, our legal system would cease to function if we did not have adequate jury pools. I hope the following information will minimize your concerns and insure that your service as a juror is a rewarding experience.

Most Municipal Court jury trials are concluded in one day. Trials are generally scheduled daily during one week per month. Up to ten prospective jury panels may be called for each month.

If you are selected to report for jury duty, the Court Clerk will contact you by mail. Your letter will state the date and time you are to report for duty. If unforeseen circumstances arise (i.e., illness, employment, childcare, travel) that make it impossible for you to serve during the time requested, you may contact the Jury Commissioner at 247-8653 to request to be excused.

When you report for jury service, please park in an hourly space in the Park III parking garage attached to City Hall or in the Park II garage near the Sheraton. Please check in at the Municipal Court Clerk's office on the second floor of City Hall. After checking in, you will receive your instructions and a check for \$12.00 for reporting to duty. You may present your parking ticket for validation at that time. If you are selected as a juror for that day's trial, you will receive an additional \$13.00 for your service.

You are encouraged to attend **Jury Orientation**, scheduled for Wednesday, August 10, 2005 from 12:00 p.m. to 1:00 p.m. Your duties as a juror will be further explained during orientation, and an overview of the justice system and Municipal Court procedures will be provided. I will also be happy to answer any questions that arise.

Thank you for your continued conscientious citizenship.

Sincerely,

Mary Jane Knisely
Municipal Court Judge



Billings Municipal Court

P O Box 1178

Billings MT 59103-1178

August 6, 2003

JUROR FIRST NAME LAST NAME
JUROR STREET ADDRESS
JUROR CITY/STATE/ZIP

Dear Citizen:

Pursuant to § 3-15-401 M.C.A., you have been randomly selected to take part in one of the most important acts of American citizenship. Jury duty service is an honor and privilege not to be taken lightly. It is paramount to the American system of Justice.

The Clerk of Court has called my attention to your request to be excused from jury service. I have reviewed your request and find that the reasons you have given in support of your request are statutorily valid. Therefore, you are excused from serving during the 2003-2004 jury term.

Thank you for your continued conscientious citizenship.

Sincerely,

Mary Jane Knisely
Municipal Court Judge

IN THE MUNICIPAL COURT OF THE CITY OF BILLINGS, STATE OF MONTANA

CITY OF BILLINGS, Plaintiff, vs. , Defendant	Docket No.: Judge Mary Jane McCalla Knisely SCHEDULING ORDER
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This order is designed to promote efficient use of our jurors and the jury trial process, as well as respect the Court and the parties’ time. It will be beneficial to the parties and their counsel since it will assure, in advance, whether or not the matter will proceed to trial.

IT IS HEREBY ORDERED that the above entitled cause come on regularly for **trial, WITH A JURY** the week of **January** , **2004** at 9:00 o’clock a.m., in the courtroom on the second floor of Billings City Hall, 220 North 27th Street.

The parties are hereby **required** to appear **with clients** on Thursday, _____ at 1:00 o’clock p.m. for a calendar call. The calendar call will proceed as follows: the Court will call this case and the parties will announce one of the following: “ready for trial”, “case settled” and the plea change will occur at this time, or “would like a 10 minute recess to discuss further”. At the end of the calendar call, the Court will give the firm order in which the trials will proceed beginning Monday of the trial week and working through Friday. The Court will try cases in succession, and into the following week if necessary, until all cases are complete. Parties will be on a one-hour call back to court in the instance that the previous case settles. Multiple juries and courtrooms will be available and utilized.

Continuances

Any motion for continuance must be filed with the Clerk of Court no later than two weeks before trial. Pursuant to M.C.A. § 46-13-202 (1) & (3), if the motion is filed more than 30 days after arraignment, it must be supported by an affidavit of good cause and include the opposing parties' position regarding the continuance. All motions for continuance are addressed to the discretion of the trial court and must be considered in the light of the diligence shown on the part of the movant. This section must be construed to the end that criminal cases are tried with due diligence consonant with the rights of the defendant and the prosecution to a speedy trial.

The initial trial date should not be considered vacated, and previously issued subpoenas will not be quashed, unless done so by order of the Court.

Status Report/Plea Agreement Deadline

If the matter has not reached final disposition through a change of plea or dismissal, the attached status report shall be signed by both parties and filed by _____. Unless the status report contains a waiver of jury trial, the Clerk of Court will summon a jury upon receipt of the status report indicating that there will be no pretrial disposition. The case will then be subject to the Thursday _____ calendar call.

If the parties have reached a plea agreement, it shall be filed with the Clerk of Court no less than 14 days prior to trial. It will clearly state whether the agreement was made pursuant to M.C.A. § 46-12-211 (1) subsection (a), (b), or (c), and shall include the proposed date for plea change. The parties may use the attached Status Report/Plea Agreement form. **The Court will consider no plea agreement thereafter.** Pleas of guilty after the deadline will be subject to open sentencing, except for good cause shown. All plea changes must be finalized before the trial date. The jury will be canceled and witnesses released from subpoenas only upon completion of the defendant's change of plea. In the absence of final disposition, the parties and witnesses shall appear on the scheduled date prepared to proceed to trial.

Trial Brief & Jury Instruction Deadline

No less than seven days before trial, each party shall present to the Judge presiding, and serve upon the opposing party, a trial brief setting forth a statement of the theory of their cause and the issues involved. A statement of the authorities upon which they rely as to the law of the case and in support of the introduction of evidence proposed shall be included. The presiding Judge may waive a trial brief upon request and for good cause.

All proposed jury instructions and verdict forms must be delivered to the Court in duplicate, and a copy served upon all opposing parties two days before trial. Thereafter, additional instructions may be allowed to prevent manifest injustice. Each proposed instruction shall contain at the bottom the source thereof and a citation of authorities, if any, supporting the statement of law therein. Each instruction shall be on 8½” x 11” paper and shall, after the citation of authorities, indicate the party on whose behalf it is requested. Instructions shall be numbered consecutively. One copy of the instructions filed with the Court shall not be firmly bound together. Uniform District Court Rule 7.

Failure of either party to abide by the provisions of this order may result in contempt and/or other sanctions after notice and hearing.

The defendant must attend all court appearances and notify the court of any change of address in writing. Failure to appear at any Court-ordered hearing, if acting pro se, may result in bail forfeiture and the issuance of an arrest warrant. Failure to stay in contact with your attorney may also result in the issuance of a warrant.

Done and dated March 14, 2006.

Mary Jane Knisely

MARY JANE KNISELY, Municipal Court Judge

Cc: City Attorney
, Attorney for Defendant

IN THE MUNICIPAL COURT OF THE CITY OF BILLINGS, STATE OF MONTANA

CITY OF BILLINGS, Plaintiff, vs. _____, Defendant	Docket No.: _____ Judge Mary Jane McCalla Knisely STATUS REPORT/PLEA AGREEMENT
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COMES NOW, the parties, and inform the Court that the parties have met and the status of the above-referenced case is as follows:

- The City and the Defendant have not come to a plea agreement, would like to keep the current trial setting, and are requesting a proposed jury panel of _____ jurors to be summoned. The trial will take _____ day(s).
- The parties hereby waive the jury and request a bench trial.
- The City and the Defendant have come to a plea agreement pursuant to M.C.A. § 46-12-211 subsection _____. The provisions of the agreement are as follows:

Docket #	Offense/Violation	Sentence

- The parties request that this matter come before the Court for plea change on _____. Following the plea change, we request that the Court quash subpoenas and vacate the trial setting.
- City and Defendant have agreed to defer prosecution and therefore move to dismiss, without prejudice, in accordance with the attached Deferred Prosecution Agreement.

DATED this _____ day of _____, 200__.

Deputy City Attorney

Defendant or Defense Counsel



Billings Municipal Court
P O Box 1178
Billings MT 59103-1178

March 14, 2006

JUROR FIRST NAME LAST NAME
JUROR STREET ADDRESS
JUROR CITY/STATE/ZIP

Dear Juror:

I would like to take the time to thank you for your participation in the Municipal Court jury pool. By serving as a juror, you have made a vital contribution to the American system of justice. This is true whether you had the privilege of serving on an actual jury or were simply part of our pool.

I sincerely appreciate the personal inconvenience and sacrifice often required of citizens when they are called to jury duty. As a result of your experience at Municipal Court, we hope that you have gained a greater appreciation for the importance of jury service to our court system and to our country.

Although your participation is voluntary, I invite you to complete and return the enclosed confidential questionnaire. Feedback regarding your experience is important to us as we constantly strive to improve our system. A self-addressed, postage paid envelope is included for your convenience.

Again, thank you for your service as a juror.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jane McCalla Knisely".

Mary Jane McCalla Knisely
Municipal Court Judge



Billings Municipal Court

P O Box 1178

Billings MT 59103-1178

Jury Service Exit Questionnaire

1. How many days did you report to the courthouse? _____
2. What percent of your time at the courthouse was spent in the jury waiting room? **
3. How many times were you chosen to report to a courtroom for the jury selection process? **
4. How many times were you actually selected to be a juror?
Once: 64% **Twice:** 21% **Three times:** 12% **Four or more:** 3%
5. Have you ever served on jury duty before? Yes 29% No 64% No Response 7%
6. How would you rate the following factors? (Please answer all.)

	Good	Adequate	Poor
A. Initial orientation	**	**	**
B. Check-in process	60%	32%	5%
C. Physical comforts/amenities	49%	41%	7%
NR3%			
D. Personal safety	71%	24%	0%
E. Parking facilities	65%	26%	3%
(NR6%)			
F. Eating facilities	**	**	**
G. Scheduling of your time	33%	45%	14%
8. Court staff	Good	Adequate	Poor
A. Are friendly and courteous	88%	12%	0%
B. Are available to answer my questions	82%	17%	2%
C. Know the answers to my questions	81%	18%	1%
D. Are willing to take the time to explain things to me	74%	6%	2%
E. Comment: _____			

9. Did you lose income as a result of jury service? 14% **Yes** How much? **Avg \$208.78**
 86% **No**

10. After having served, what is your impression of jury service?
 (Please answer one and comment if desired.) 24% NR

The same as before – favorable 56%
The same as before – unfavorable 4%
More favorable than before 11%
Less favorable than before 5%

11. In general, did you have problems hearing the court participants?

Often 2% **Sometimes** 29% **Never** 36%

12. The court must balance the safety of the court with the court's desire to provide accessibility to the public. In general, do you think the court is: 15%NR

A. **Too secure** 0%
 B. **Secure enough** 79%
 C. **Not secure enough** 6%

13. In what ways do you think jury service can be improved?
 (161 total written comment. These are the most common/frequent notations)

- 28% Commented or complained of being called multiple times and/or indicated that they were rarely required to report
- 11% Indicated wait times were too long/time wasted
- 6% Thought check-in was confusing or disorganized
- 4% Complained that their profession should be exempt from jury service
- 4% Requested that the ladies room be relocated closer to the deliberation room
- 4% Requested more food/beverage be offered or provided during service

The following information will help evaluate the results and responses to this questionnaire:

14. Age: **18-20** 1% **21-24** 1% **25-34** 8% **35-44** 14% **45-54** 20% **55-64** 21% **65-over** 24% **NR** 11%

15. Gender: 53% Female 35% Male No Response 12%

16. Occupation: **sm business/sales/education** 26%
Corporate/doctor/lawyer 8%
Retired/Student/homemaker/unemployed 30%
Labor/trade/technical/clergy 8%
Clerical/medical field 14%
No Response 15%

Background:

In August of this year, Municipal Court conducted a written survey of over 350 jurors who served in last year’s jury pool. This telephone interview will help us to test the conclusions we have drawn from that poll.

Thank you in advance for your participation. We value your opinions and suggestions. Please note that neither your name nor address will be included as a part of the study. All questions regarding age, sex or occupation will be used only to establish demographics for the study.

		Yes	No
1.	Did you like the call-in system when you received your summons?		
	<i>If no:</i> What about the system could be improved?		
2.	Was it difficult to find the courthouse or to locate a place to park?		
3.	Some survey respondents indicated confusion or difficulty in figuring out where they needed to go to report for jury duty on trial day. Did you feel this way?		
	<i>If not, go to question 4.</i>		
	<i>If so:</i> What specific information did you need to report for jury duty? If you became confused, what specific details would have been useful?		
	<i>Better signs, directions where to go once a person has entered the building</i>		
4.	How did you feel about the check-in process once you arrived at the Court Clerk’s window? Was it confusing?		
5.	Did you think that the check-in process ran smoothly?		
6.	Did you know what was expected of you at each stage of your jury service? (Stage being arrival, waiting in jury room, during trial and deliberation if applicable.)		

		Yes	No
7.	Once you arrived at the courthouse, did you feel that your time was respected?		
	<i>If no:</i> How can the jury system better respect your time?		
8.	Were you treated with respect during all stages of your service?		
9.	Did you have trouble hearing participants or understanding what was going on in the courtroom?		
	* exception: police tapes were difficult to hear due to recording/quality		
10.	Were you physically comfortable during your service both in the courtroom and the jury room?		
	<i>If not:</i> Why not?		
11.	How did you feel about the Court's security? Do we need more or less?		
12.	Did you feel safe while you were in the courthouse?		
13.	How did you feel about the service and information you received from your bailiff?		
14.	Was your bailiff kind, informative and responsive?		
15.	What other kinds of service or information would you have found helpful from your bailiff or other court staff?		
	Validate parking prior to trial		
	Directions to restrooms		
16.	Were you actually chosen to hear a trial and deliberate a verdict? <i>If no, skip to question 18.</i>		
17.	Did you ever feel intimidated, either by the accused, the family of the accused, witnesses or counsel for either party?		

		Yes	No
18.	Our jury information booklet is currently being revised. Would you have liked to have received more written information regarding your service or details about the court prior to jury service?		
19.	Some courts present an orientation video on the first day of jury service that provides an overview of the justice system, the purpose and value of the jury and a brief description of what to expect during service. The video generally lasts 20 minutes and is shown prior to reporting to the courtroom for jury selection. Would this type of orientation have been useful to you?		
20.	On the first day of jury service, some courts have a member of the staff present basic background information related to the court, such as caseload statistics, types of crimes and jurisdiction. Would you have appreciated such information?		
21.	If the Court were to develop a web-based system to report availability for jury duty, would you find it useful?		
22.	If the Court were to develop a website offering information or details about what to expect as a juror and/or frequently asked questions about the court and jury duty, would you find it helpful?		
23.	Many courts provide books, magazines, TVs, internet connections, etc. for jurors to use while they are waiting. Would you have appreciated any of these things? <i>If so:</i> Which ones?		
24.	Was jury duty a positive/meaningful/valuable experience for you? What could we do to improve satisfaction or make jury service more valuable, positive or meaningful?		
25.	How will you speak to family and friends about jury duty and your experience in the justice system?		

Age _____ Sex M F

Occupation _____