

IMPACT TWO-DAY ONE-TRIAL WILL HAVE ON COUNTIES
IN MISSOURI WITH POPULATIONS OF 5,000 OR LESS

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Executive Summary

The Advisory Commission on the Organization of the Judicial Department made several recommendations one which included a reduced term of service for jurors in the State of Missouri. Based on this recommendation legislation was passed in 1999 requiring counties in Missouri to adopt the provision of two-day one-trial by January 1, 2005. The statute (494.445 RSMo) states that no petit juror shall be required to attend court for jury service for more than two days or the completion of one trial.

Smaller counties in the State of Missouri has concerns regarding the implementation of this statute.

A survey instrument was sent to the Circuit Clerks in Schuyler, Scotland, Worth, Knox, Mercer and Putnam counties. The survey included questions necessary to calculate the overall, summoning and qualification yields. See the final paper for information collected for all six counties.

There will not be any negative implications for any county surveyed when two-day one-trial is adopted. The administrative work for court staff is not expected to increase because of the limited number of trials held annually. Of the six counties surveyed one had two trials and two had one trial during the last fiscal year. The two step process for qualification and summoning should continued to be used.

Based on the number of persons on the source list and the number of trials held for the 1999 fiscal year, the transition from the existing court system to two-day one-trial will be completed without any major problems in counties with populations of 5,000 or less. Of the six counties surveyed, one county (Shuyler) called jurors to their court and released them because a settlement was reached before the trial began.

However, the transition may be challenging for other counties. Recommendations or suggestions were made for counties that will experience problems adopting two day one trial.

When a county adopt two-day one-trial, there are some administrative areas that should be carefully

monitored in order to successfully manage the jury process. These include:

- Use a computerized system for selection of names and the generation of computerized summons.
- Explore additional resources if the source list is close to exhaustion.
- Review your existing excusal policy.
- Obtain accurate predictions of the number of citizens needed each day.
- Evaluate the current qualification and summoning method used.
- Establish a call-in system.

Before data were collected, counties in Missouri with populations of 5,000 or less were concerned they would exhaust their source list when implementing two-day one-trial. Once information was analyzed, all six counties will have more than enough people to implement reduced term of service. The transition from the current jury system to two-day one-trial will not cause an increase in administrative duties based because the number of trials held are nominal.

Abstract

Legislation was passed in 1999 that no petit juror shall be required to attend court for jury service for more than two days or the completion of one trial. This change goes into effect January 1, 2005. Since this legislation was passed, several small counties in the State of Missouri have had concerns regarding the potential increase in administrative duties as well as will they have a sufficient number of people on their source list to meet the statutory requirement.

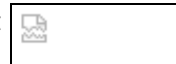
Adopting two-day one-trial will reduce the term of service that potential jurors will have. In the past, jurors were called to report for jury service but never actually served. This caused some hardship for some counties. The change in law allows a person to report two days or the completion of one trial. When courts adopt two-day one-trial, they should have a reduction in their excusal rate since a person only reports twice.

There are 115 counties in the State of Missouri. Only those counties with populations of 5,000 or less were selected for this report. Six counties in the State of Missouri met this criterion: Worth, Schuyler, Scotland, Knox, Putnam and Mercer (see map in front of this section). Due to time limitations, each Circuit Clerk in those counties was contacted by telephone explaining the project and asking for their participation. In order to evaluate the impact two-day one-trial will have on those counties, the qualification, summoning and overall yield was needed. I used an instrument developed by the Florida Office of State Courts Administrators Office to calculate each yield (Munsterman, 1996:45). An electronic message was sent to each county requesting information regarding their qualification questionnaires and summonses. This information was entered into the worksheet. The Office of State Courts Administrators office in Missouri was contacted to obtain information regarding the number of people on each county source list. After all data was collected and entered into the worksheet, it was analyzed.

Based on the data obtained, adopting two-day one-trial will not have any negative impact on those counties surveyed. There are more than enough people on their current source list to support the number of trials held annually. Each county currently uses the two step system for obtaining qualified

and summoning jurors. This is the best method due to the number of trials conducted. If in the future there is a drastic increase in the number of trials held, each county should examine the following areas: their excusal policy, the number of citizens needed for trials and their current notification system.

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