

**ASSESSING JUROR UTILIZATION AT  
SEATTLE MUNICIPAL COURT**

**Institute for Court Management  
ICM Fellows Program  
2015-2016 Project Phase  
May 2016**

**Jeffrey M. Tsunekawa  
Judicial Operations Manager  
Seattle Municipal Court  
Seattle, Washington**



## Acknowledgments

The author of this research paper would graciously like to extend appreciation and thanks to the following individuals who contributed to its completion.

- Former Seattle Municipal Court Administrator, Yolande Williams, for her years of support and mentorship from the first day I started down the long road through the Institute for Court Management.
- Amy McDowell, at the National Center for State Courts, for her patience, understanding and words of wisdom that helped me every step of the way.
- Judge Kimi Kondo who's maternal guidance, leadership and support kept me down the road to success.
- David Slayton, Administrative Director for the Texas State Office of Court Administration, who was my first friend and mentor when I became involved with NACM and the NCSC, and has always kept an eye out for me throughout the years.
- Paul DeLosh, Director of Judicial Services for the Virginia Supreme Court, who has always been a mentor for me in the field of Court Administration, and a good friend I'm glad to have made.
- My Fellows Project Advisor Greg Hurley, whose expertise and understanding helped see my paper to the very end.
- Josh Sattler, Chief Clerk of Seattle Municipal Court, whose support picked up where Yolande's left off upon her retirement; his guidance as a superior and a friend helped keep me going.
- And last, but not least, my fiancé Kerry McGowne, who's unending support and love for my professional growth over the last several years has helped me be the successful "*Fellow*" I am today.



## Table of Contents

Acknowledgments.....	3
Table of Contents.....	5
Abstract.....	7
Introduction.....	10
Background.....	11
Literature Review.....	13
Jury System Management.....	13
Juror Utilization.....	16
Methodology.....	19
Findings.....	20
Jury Data.....	20
Survey of Bar/Bench/Judicial Staff.....	22
Survey Results.....	23
Conclusions and Recommendations.....	34
References.....	37
Appendix A: Organization of the Washington State Court System.....	39



# **ASSESSING JUROR UTILIZATION AT SEATTLE MUNICIPAL COURT**

**Jeffrey M. Tsunekawa**

## **Abstract**

The Seattle Municipal Court, located in Seattle, Washington, is considered the largest limited jurisdiction court in the State of Washington. The court is composed of approximately 200 staff, 5 magistrates and 7 elected judges. Its judges are elected to four-year terms, and are eligible for re-election at the conclusion of each term. Magistrates are appointed by the judges and mainly hear civil traffic infractions, but are legally required to act in the capacity of a judge pro-tempore should the need arise.

Seattle Municipal Court is a court that adjudicates misdemeanor and gross misdemeanor matters. Misdemeanor crimes carry a maximum sentence of ninety days in jail and a \$1,000 fine, while gross misdemeanors are subject to a year in jail and a \$5,000 fine. The court also adjudicates civil offenses, such as housing, fire code and other violations of City of Seattle ordinances.

The court has long battled how to efficiently establish a calendar and caseflow system that balances both the needs of the court and efficient case processing. It seems that every year a new calendar structure is established, based on the outcomes of the prior year. The changes could be minor, such as adjusting hearing loads, or they could be larger, such as changing from a master or docket calendar system to an individual calendar system.

This report focuses on one of the identified areas that could use improvement and make the system more efficient. The strategic and efficient use of jurors that are summoned and the reliability of cases proceeding to jury trial have long been an area for change. Over the years,

small changes and enhancements have been made to both areas, but rarely are they looked at in tangent. This research project seeks to examine these two areas together by posing the following questions:

- What is the adequate number of jurors the court should summon on a weekly/monthly basis?
- Should the court alter any of its policies or practices to ensure optimal and efficient caseflow?
- If the court were better able to predict when trials proceed, what efficiencies in jury operations would be created?
- Would more efficient juror usage have a positive impact on juror appearance rates?
- What are some improvements the court can make in juror summoning and predicting trials?

A variety of data sources were consulted to answer these questions. One of the major sources was the court's own case management system, MCIS (Municipal Court Information System). MCIS is a case management system that is solely used by the court. Two significant challenges for use of this system are its age and instability. A second source of data was the court's jury management system, JSI (Jury Systems Incorporated). This system serves practically all of the needs for jury operations and juror-related data. Third, a survey was distributed to key individuals in the criminal justice system that possesses a stake in any changes that may be recommended to court operations.

The report offers five straight-forward recommendations for consideration:

1. ***Consolidate the two trial assignment courtrooms into one master courtroom.*** For most of 2015, the majority of domestic violence cases either settled or plead shortly before proceeding to trial, leaving two courtrooms dedicated to hearing this particular case type vacant. It would be more efficient to have one courtroom “master” to assign trials to available courtrooms.
2. ***Consider summoning fewer jurors.*** This should be coupled with efforts to increase the number of jurors that respond or appear for jury service.
3. ***Make better use of readiness/pretrial conference hearings.*** This will likely take some collaboration between the court, the prosecutor and the defense agencies; however, this can be a powerful tool for managing the flow of jury trials.
4. ***Work with the Washington Department of Licensing to improve potential juror mailing addresses.*** This is a statewide process that involves a multitude of agencies, as well as a significant amount of time and resources. These changes would positively affect all courts throughout Washington State.
5. ***Implement greater accountability for summoned jurors.*** The court should take action to address failures to appear in response to a summons for jury service.

## **Introduction**

The Seattle Municipal Court holds jury trials on a weekly basis. Trials originate from two different dockets. One docket is for general trials, such as DUI, assault or reckless endangerment. The second court is dedicated to domestic violence cases. Each court has readiness hearings the Friday before, and assigns cases the following Tuesday. The court reserves two and a half days for jury trials out of five different courtrooms each week.

Unfortunately, a large majority of these jury trials do not proceed, and courts go “dark,” without any scheduled hearings. This in turn has an impact on the 50 jurors summoned each week. If trials do not go forward, juror time has been wasted.

This research project was aimed at improving trial date certainty and efficient use of jurors summoned by the court. The project examined court processes, as well as the roles attorneys have in preparing cases for trial. It also reviewed communication practices between criminal justice partners, and how the court involves jurors in the judicial process. Impacts stemming from this research may be felt by many key players in the system, including: prosecutors, defense attorneys, court staff, judges, jurors, law enforcement, expert witnesses, and the taxpayers in general.

Ideally, the potential outcomes of the project will be:

- Increased use of jurors who respond to a summons, with fewer jurors dismissed without ever walking into a courtroom, and
- Greater trial date certainty so that more trials calendared for trial proceed as scheduled, or in the alternative, fewer trials are calendared for trial, with final dispositions in another predictable court setting.

This report begins by examining the context for the Seattle Municipal Court, specifically its role in the City of Seattle. Next, the literature review examines existing studies on this topic and highlights related concepts that might be useful in understanding the research. Following that, the methodology section shares the details of collection and compilation, followed by presentation of the findings based on the data collected. Finally, conclusions and recommendations are offered to tie all of the research together and suggest meaningful enhancements to improve juror utilization by the court.

## **Background**

The City of Seattle municipal government consists of three branches: the executive, the legislative, and the judicial. These three branches of government work to provide the full services of city government by working both independently and separately.

The Municipal Court of Seattle comprises the judicial branch of Seattle's city government. The Municipal Court is a limited jurisdiction court, authorized under the Revised Code of Washington 35.20, with jurisdiction over all violations of the Seattle Municipal Code. The Municipal Court of Seattle is the largest limited jurisdiction court in the State of Washington with seven elected judges and six appointed magistrates. The court adjudicates all misdemeanor and gross misdemeanor crimes, infractions, and civil violations authorized under the Seattle Municipal Code and certain Revised Code of Washington Statutes.

Misdemeanors are crimes where the maximum sentence is 90 days in jail and a \$1,000 fine. Gross misdemeanors are crimes that carry a maximum sentence of a year in jail and a \$5,000 fine, including offenses such as driving under the influence, domestic violence, theft, and trespass. Infractions are acts which are prohibited by law but are not legally defined as a crime; they include parking citations and traffic or non-traffic infractions. Civil offenses are heard by

the court when the City of Seattle seeks enforcement of its fire code, housing, and City ordinance violations.

Jury operations at Seattle Municipal Court are very similar in some ways to many other trial courts or courts of limited jurisdiction. In a typical month, over 1,000 citizens of the City of Seattle receive a summons to report for jury duty at the Court. They receive a paper summons in the mail by which they are instructed to do some preliminary reporting by either mailing in a response to a standard set of qualification questions, or by submitting answers to the court online. On the day they report, they generally will report for a total of two to three days, depending on whether or not they are chosen for a trial, and how long the trial may last. They have the opportunity to reschedule once or if they qualify, they may request an exemption from jury service. The compensation for jury duty is a mere \$10 per day, as set forth by state statute.

## **Literature Review**

### **Jury System Management**

Jury system management and caseload management are two very different topics of discussion, yet they go hand-in-hand. How can a court effectively manage its jury operations if it cannot effectively manage its internal caseload system? At the same time, is it possible to have an efficient and robust caseload management system if jury system operations are not managed properly?

Studies of both caseload management and jury management date back to around the year 1970. Prior to 1970, little was published showing courts across the country how to effectively manage one of the most important aspects of the judicial system: juries. It could be that courts simply did not place enough value and understanding on the role that jurors fulfilled in trials. Fortunately, since that time, there have been many studies and publications authored to help courts making operations as smooth, efficient and effective as possible.

Some of the first studies to review the jury system in the United States came from the federal courts. This is a little surprising given the comparatively small amount of jury trials the federal system conducts compared to state court jury trials. A review of the juror selection and management techniques used by selected United States District Courts was published in 1970 (Westinghouse, 1970). The study identified multiple problem areas and addressed how further study could assist courts to improve the jury system. The study focused on the fact that courts need a systematic method to predict the demand for jurors.

The same year, the American Bar Association published a report which examined the jury management system of the United States District Court for the Western District of Missouri (Merrill and Schrage, 1970). The focus of the Missouri study was on how jurors were utilized in

the court, costs associated with that usage, inconvenience to jurors, and the attitudes of jurors in the jury process. The study found that jurors “tended to adopt a more negative attitude concerning the pleasantness and usefulness of . . . service if [the juror] (1) did not have an opportunity to participate in rendering a verdict, (2) sat on a case which ended before verdict, (3) spent more than 20 percent of . . . time waiting, (4) was challenged at least once, or (5) reported for service and was sent home without being seated on a jury” (Merrill and Schrage, 1970).

The Federal Judicial Center (FJC) (1970) also analyzed jury management in an unpublished article about the process in the United States District Court for the Southern District of New York. The study reviewed the efficiency of the jury management process, including juror yield and jury utilization during 1969, as provided by compiled jury records. The findings demonstrated that jurors were not utilized effectively by the court. The FJC created a prediction table as a suggested method for determining proper jury panel sizes. On the heels of the FJC study, an article that provided recommendations for improving jury management in the same District Court was also released (Stoever, 1971). Key among the findings was that the number of jurors called into court on a daily basis was almost always larger than those needed, primarily due to cancellations by the courts.

All of the studies in the federal courts led to the 1972 publication by the Federal Judicial Center of guidelines to assist the federal courts with jury management. Among these recommendations, it was suggested that courts should make a determination about the degree of risk that a particular jury panel might not be large enough for purposes of completing the entire voir dire process. The guideline suggested that the risk should not be zero but should still be small. The FJC publication further stated that such a determination would result in significant savings in both juror time and cost. Furthermore, the FJC publication suggested that courts

should establish separate model panel sizes for civil and criminal voir dire but that categorizing the suggested panel sizes by specific offense and types of suit were not worthwhile efforts.

After the federal court studies and the culmination of those efforts with the 1972 FJC guidelines, the literature on jury management remained quiet for a number of years until the National Center for State Courts (NCSC) began reviewing jury systems in the state courts. One of the first published jury management reviews among the state courts, which was published almost 50 years ago in 1978, was a lengthy report to the California Judicial Council meant to address concerns about numerous issues that existed in the California jury system (National Center for State Courts, 1978). Specifically, the publication addressed 13 aspects of the system including juror source lists, master jury lists, random selection, summoning, telephone systems, panel sizes, pooling jurors, compensation, length of service, facilities, ways of measuring system efficiency, dissemination of information to courts, and statutory consolidation. While the recommendations of the report are too numerous to discuss here, NCSC's suggestions were revolutionary for state courts nationwide in that it began a process of looking at state court jury systems much like the federal courts had already done.

Later in 1978, NCSC continued its work in the area of state court jury management review in the Seventh Judicial Circuit in Rapid City, South Dakota. Two additional studies contributed to the revamping of jury systems nationwide (National Center for State Courts, 1978). At the same time the review of state court jury systems were developing, likely the most significant contribution to jury system management was developed by G. Thomas Munsterman. Munsterman's (1996) book was the first publication to establish measures in twelve key areas that allowed courts to determine the effectiveness and efficiency of the jury system locally. The twelve measurement elements identified were: 1) Jury System Management Plan, 2) Source

Lists, 3) Qualification and Summoning, 4) Exclusions, 5) Orientation, 6) Term of Service, 7) Jury Utilization, 8) Standard Panel Sizes, 9) Calendar Coordination, 10) Standby Jurors, 11) Voir Dire and 12) Monitoring and Control. Upon the release of Munsterman's book, many courts across the country began measuring local jury management systems. Reports were publicized that identified problem areas and made targeted improvements.

The Trial Court Performance Standards (TCPS) provided another significant development in the measurement of jury system management (Diggs, 1997). Standard 3.2 of the TCPS, while not specifically addressing juror yield or juror utilization, provided that jury lists are representative of the jurisdiction from which they are drawn.

A more recent development in the literature was spurred by the American Bar Association's publication focusing on the American jury system (2014). The ABA's American Jury Project met in October 2004 to revise and consolidate existing jury management principles previously developed in 1993. The resulting nineteen principles set out by the ABA allow courts to develop best practices that reflect what practicing attorneys and judges suggest should be standards.

The last - and perhaps the most significant contributor - to jury studies was development of the CourTools measures (NCSC, 2005). The CourTools measures were the result of efforts to consolidate the Trial Court Performance Standards into a system of performance measures that were easier to measure and interpret. As a result of these efforts, CourTools Measure 8, entitled "Effective Use of Jurors," provides a great deal of guidance for this project.

### **Juror Utilization**

Beyond the general overview of jury management, it's important to take note of the critical points of juror utilization. Juror utilization is a facet of jury management that in some

ways needs to be addressed by itself. The scope of study is broad and includes areas such as the way jurors are scheduled to personal accommodations for jurors. Many factors must be considered, in particular financial impact and the public's perception of both the courts and the justice system.

A recent case study was conducted in Washington, DC, called "The DC Jury Project." Over a 12-month span of time, a committee undertook an expansive study into the jury system throughout the District of Columbia. The committee worked to ultimately make solid and meaningful recommendations to enhance jury trials throughout the District of Columbia, and in essence, improve juror utilization. The report's recommendations included several areas, such as: juror care, jury pool and summoning, and trial structure. There were a total of 25 broad recommendations made for court consideration. The recommendations are broad enough to apply to most court jurisdictions outside of the District of Columbia. The first recommendation sets the tone as to how much more courts could do to appropriately utilize the jurors it summons; "The DC Jury Project recommends that the courts increase the use of positive means of encouraging participation in the jury system." (Council for Court Excellence, 2015)

Recent studies have identified a number of causes for poor jury utilization. One of these causes is the over-summoning of jurors. It often becomes a guessing game for jury managers to determine the number of people appropriate to summon; factors such as time of year, number of trials, and high-profile hearings all have a direct impact (Council for Court Excellence, 2015). The end result is often a number of jurors that is far higher than necessary to meet the needs of the court.

Another cause identified is the mismanagement of cases from pretrial to trial (Council for Court Excellence, 2015). Some experts believe that with enough oversight, a judge can oversee

a case from beginning to end and have confidence it will proceed to trial without settling or ending with a plea at the last moment. With such judicial control over a case, the true need for jurors would be realized upon summons. One way to address this issue is to implement a plea cut-off policy. Such a policy would be beneficial to both the defense and prosecution, particularly in plea negotiations.

A third common cause of poor juror utilization can be attributed to panel size. Over time, judges tend to depend on historical knowledge. This pertains not only to something as complex as caselaw, but also as simple as jury panel size. More often than not, judges will determine that they need a larger panel size, resulting in a large number of jurors being dismissed after voir dire occurs. Small considerations such as these have cumulative effects on jury management and costs (NCSC, 2015).

Finally, another issue to address is jury compensation. The national average of the daily reimbursement rate for jurors is \$22.00 (NCSC, 2015). In many major urban cities, such as Seattle, that is just enough money to cover lunch and a coffee. This has a significant impact on an individual's decision whether to respond to a jury summons and if so, whether or not to appear in person.

## **Methodology**

Several different methods were used to collect data for this project. The first data collection method used was the NCSC's CourTools Measure 8, "Effective Use of Jurors." This measure was applied to the Jury Yield Rate for 2014, which can be found later on in the report. Data obtained from CourTools Measure 8 was supplemented with data collected from case management systems, surveys and jury management system data collected by court staff. The case management system data came from the court's very own CMS, called MCIS. The specific data used for this report was the number of jury trials held per month in 2014 and 2015. The surveys were conducted by asking a set of questions to ten individuals, described in detail later in this report. The jury management system data was provided by the court's jury staff using jury statistics from the court's jury management system used to manage the jury process.

## Findings

### Jury Data

Seattle Municipal Court uses a product called Jury+ by Jury Systems Incorporated (JSI) as its jury management system. The system is a piece of software that encompasses everything that the court needs for its jury department to function. Much of the information is manually entered by the jury staff; the remaining information is generated through an annual upload of citizen information provided by the Department of Licensing. This information includes mailing information and date of birth. Essentially, the court is provided with a large amount of data that it must assume is accurate. Additionally, as this information is provided on an annual basis, the odds of an individual’s mailing address being incorrect increases throughout the year.

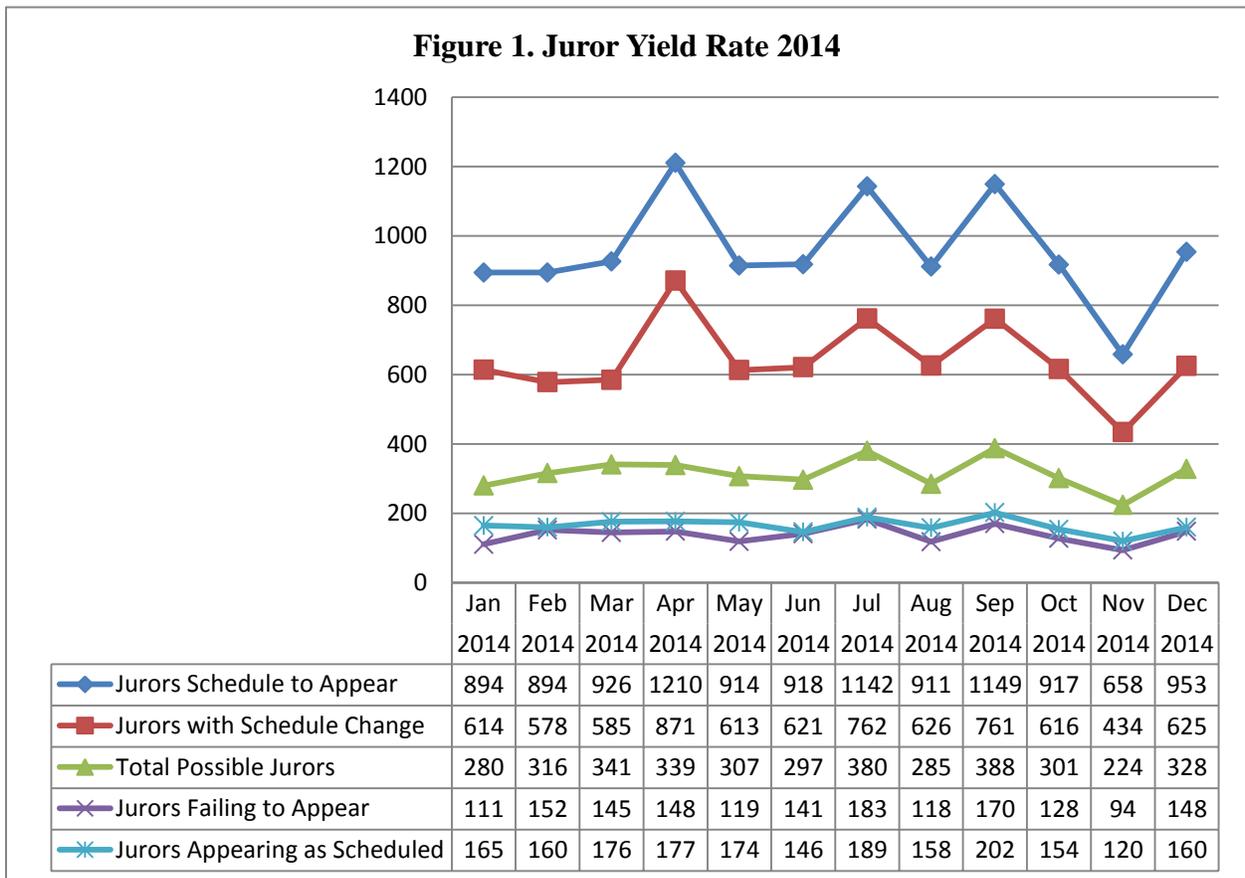


Figure 1 illustrates information generated using the JSI system. It analyzes juror yield data covering the year 2014. The total yield from all possible jurors on a monthly basis for this year averaged 53%, with a monthly high of 58.93% and a monthly low of 48.78%. This means in order for jury staff to adequately ensure that there are enough potential jurors for jury trials, they must calculate that at least half of those summoned will fail to appear. Currently, the court does not impose any recourse for jurors who fail to appear, with the exception of a reminder post card. The postcard defines the legal statute that enforces jury duty for those who are summoned.

### **Jury Trials Held**

Figure 2 illustrates statistics collected by court staff. It shows the frequency of jury trials held per month from January 2014 to November 2015. The case types are broken down between DUI, Non-Domestic Violence, Domestic Violence and Criminal Traffic. As seen, the number of jury trials held per month varies significantly from one month to another and from year to year. The highest category for jury trials is non-Domestic Violence, with Domestic Violence and DUI having a similar amount.

The number of jury trials scheduled from month to month varies for a variety of reasons. Some of the reasons include time of year; judicial availability; witness availability and attorney availability. Several of these factors are fairly fluid, and difficult to predict. As such, not all recommendations for enhanced juror utilization are effective.

**Figure 2. Jury Trials Held in 2014 and 2015**

	<b>DUI</b>		<b>NON</b>		<b>DV</b>		<b>CT</b>		<b>Total</b>	
	<b>2014</b>	<b>2015</b>	<b>2014</b>	<b>2015</b>	<b>2014</b>	<b>2015</b>	<b>2014</b>	<b>2015</b>	<b>2014</b>	<b>2015</b>
<b>JAN</b>	3	4	6	2	3	5	2	0	14	11
<b>FEB</b>	4	0	3	3	1	1	1	1	9	5
<b>MAR</b>	2	4	3	8	2	2	1	1	8	15
<b>APR</b>	1	7	8	2	4	1	1	0	14	10
<b>MAY</b>	5	2	5	4	0	2	1	0	11	8
<b>JUN</b>	2	1	3	8	2	2	0	0	7	11
<b>JUL</b>	1	2	7	7	3	2	1	0	12	11
<b>AUG</b>	1	1	3	3	0	3	0	1	4	8
<b>SEP</b>	4	0	1	4	1	2	0	1	6	7
<b>OCT</b>	1	1	6	4	2	2	2	1	11	8
<b>NOV</b>	0	1	4	3	2	4	0	0	6	8
<b>DEC</b>	2		2		3		1		8	
<b>TOTAL</b>	<b>26</b>	<b>23</b>	<b>51</b>	<b>48</b>	<b>20</b>	<b>26</b>	<b>9</b>	<b>5</b>	<b>102</b>	<b>102</b>

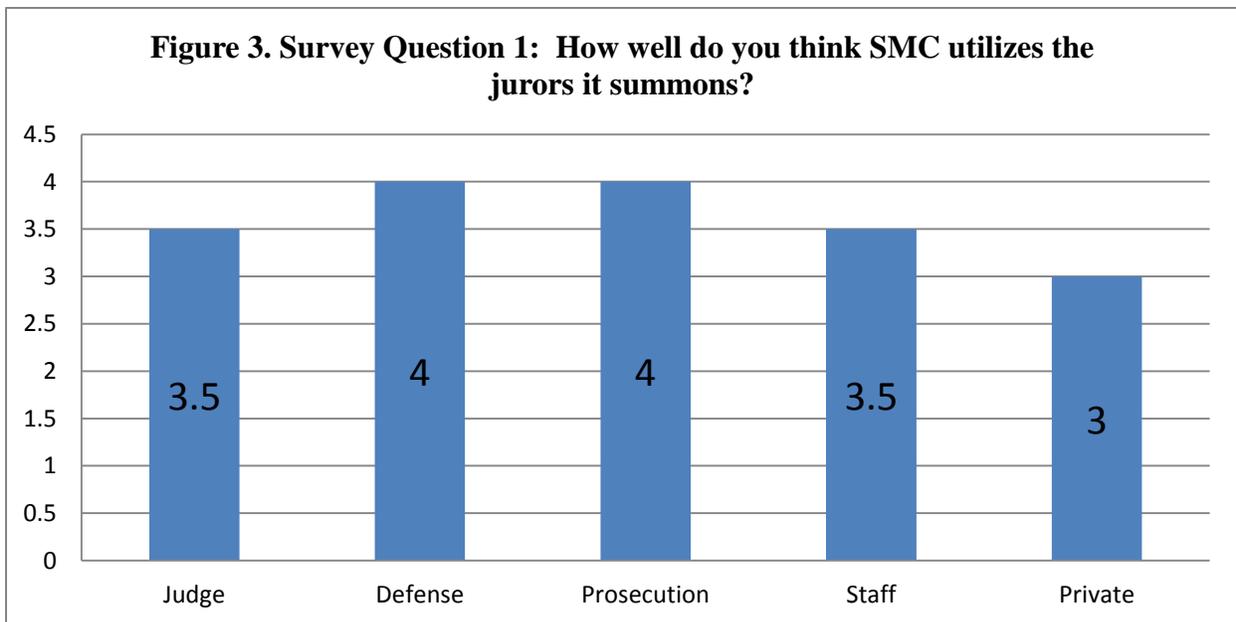
**Survey of Bar/Bench/Judicial Staff**

To supplement statistical data gathered through JSI and MCIS, anecdotal data from key actors in the local criminal justice system was gathered using a survey. A committee at the court called the Bench/Bar Committee meets on a monthly basis to discuss issues that affect all criminal justice system stakeholders at the Seattle Municipal Court. To conduct a random sampling, all the names of the committee members were put into a hat and ten were drawn. The

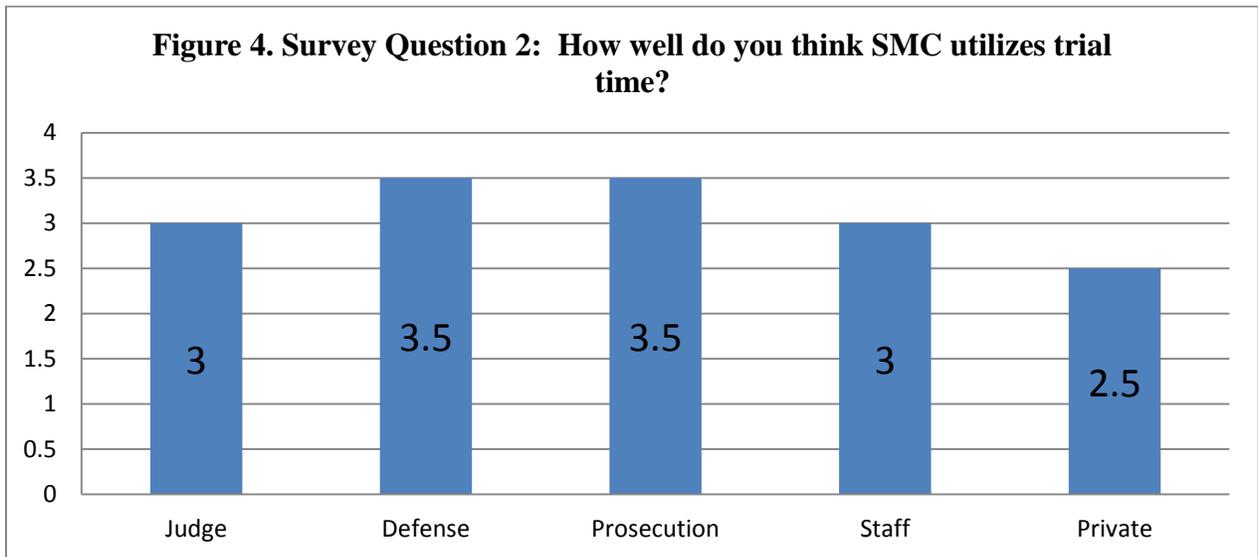
ten individuals were then added to a survey distribution. All ten individuals fully participated in the survey. The survey was created using Survey Monkey.

### Survey Results

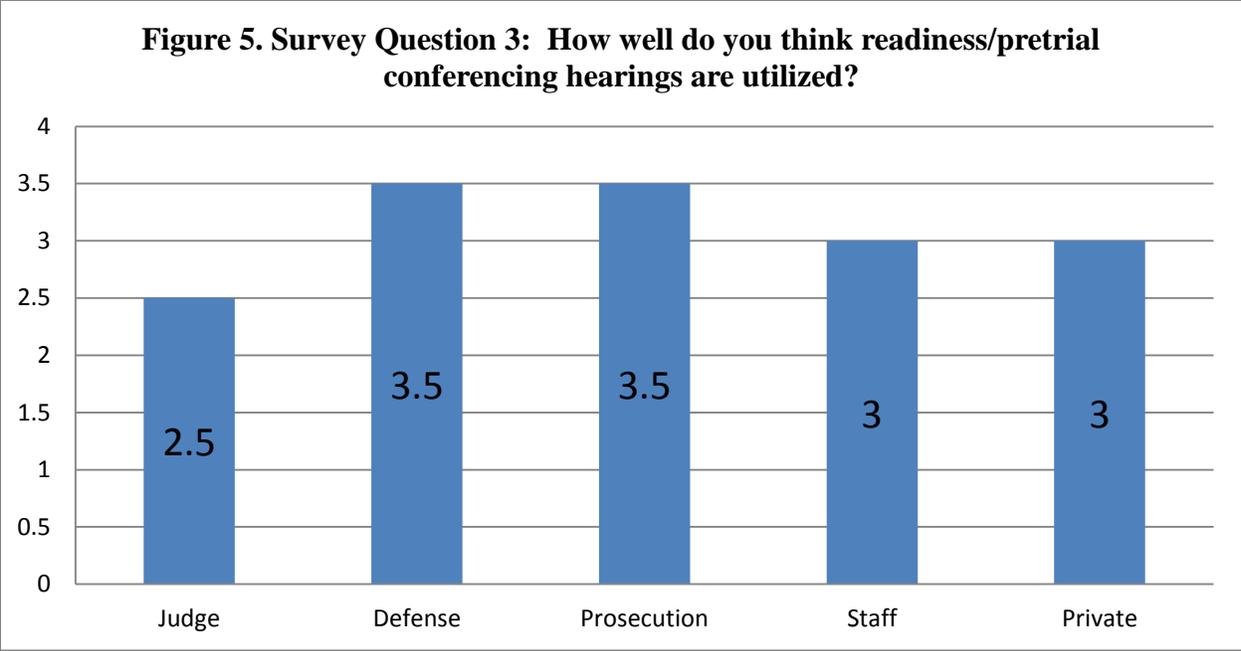
In the Fall of 2015, the survey was distributed to a randomly selected group of individuals representing elected judges, judicial staff, prosecutors, defense attorneys and private attorneys. The survey consisted of seven questions. The questions were developed to be somewhat general in nature so that they applied to all audiences. The survey was intended to obtain a general sense of perception about the court’s jury system. The answer rating scale for each question ranged from 1 to 5, with 1 representing “Poor,” 2 representing “Needs Improvement,” 3 representing “Acceptable,” 4 representing “Good,” and 5 representing “Great.” The survey questions and corresponding responses are represented in the figures below. The average ratings for each survey question broken down by respondent category are displayed below.



All parties, for the most part, agree that Seattle Municipal Court does a fairly good job at utilizing the jurors it summons. The only group that did not respond as highly was private attorneys. Private attorneys do not participate in jury trials nearly as often as public defenders, so this may impact their perspective.



The responses to this question are average to low. It appears that all partners in the justice system do not believe that the court utilizes trial time effectively. As anyone that works in the judicial system knows, predicting when a case might proceed to a jury trial is extremely difficult and takes the cooperation of many players contributing necessary information to help predict when a case will proceed to trial. Again, private attorneys seemed to have a more negative opinion. This is an area for future attention by the court.

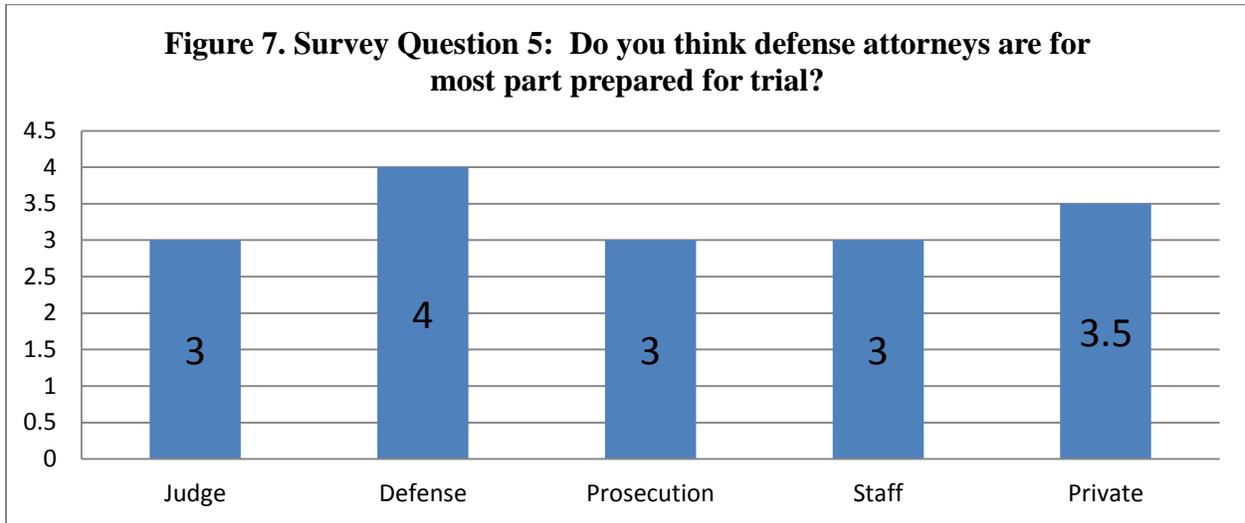


This question was targeted on asking whether respondents believed that readiness and pretrial conference hearings are well-utilized and received responses similar to the question above. The outliers in this group of respondents were the elected judges. One possible explanation is that judges see cases from beginning to end, thus providing a different perspective.

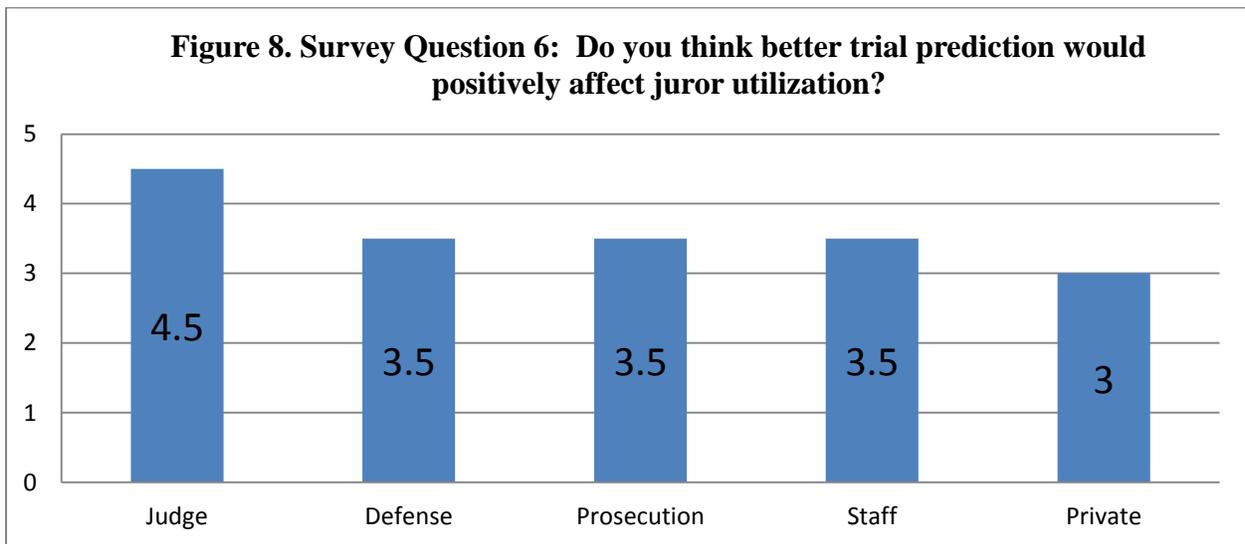


This question was designed with some expectation of bias or prejudice from at least one group of respondents. Each attorney has a very specific role in a jury trial, and each role is

equally as important as the other. Prosecutors had the highest rated responses to this question. It's not surprising that defense attorneys, even private attorneys, reported lower response rates.

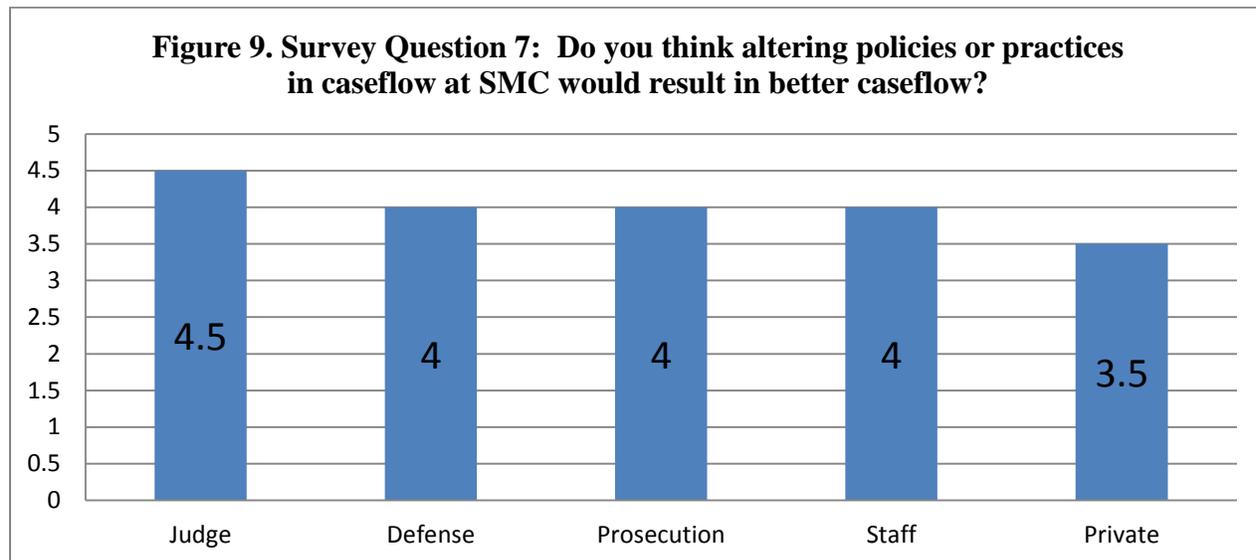


This question was also designed with some expectation of bias or prejudice from at least one group of respondents, much like the prior question. Defense attorneys responded with the highest ratings in this category. Interestingly, private defense attorneys rated the responses lower than public defense attorneys.



The responses to this question were relatively average, with the exception of judges. The purpose of the study was to research potential connections between trial predictability and juror

utilization. It appears from these results that most parties do not believe that any such connection exists. However, the judges appear to feel strongly that some type of connection exists.



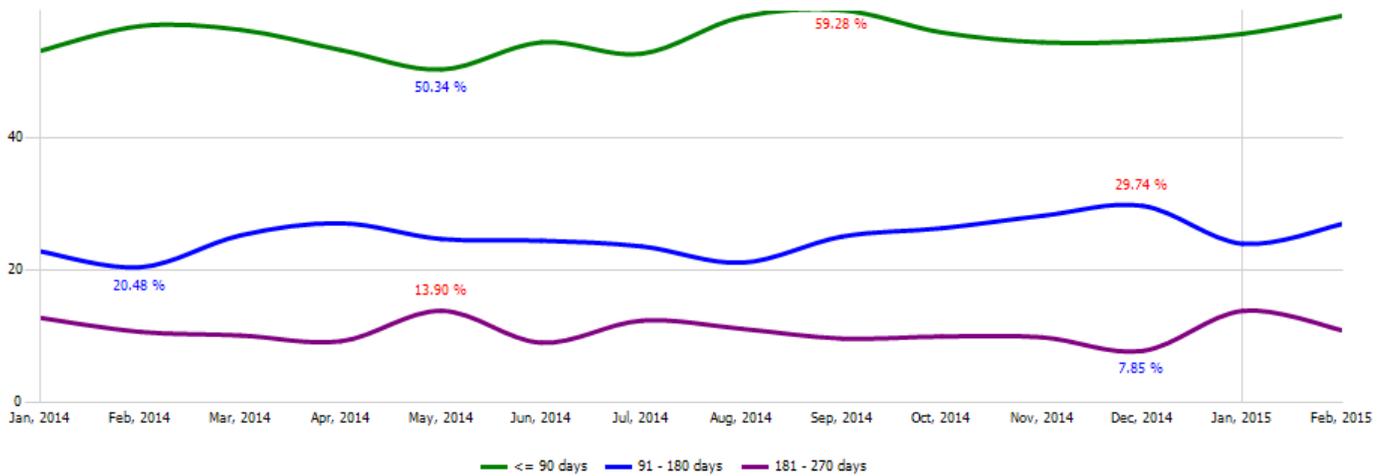
It is apparent that all parties, for the most part, agree that changes to the policies and practices at Seattle Municipal Court regarding caseflow management will have a positive effect. The only group that did not respond as highly were private attorneys. It is significant to note that private attorneys typically do not appear in court as often as prosecutors or public defense attorneys, potentially impacting their responses.

### **Caseflow Data**

Seattle Municipal Court uses its own internal case management system called MCIS (Municipal Court Information System). MCIS was built over 25 years ago and uses technology and hardware that is becoming increasingly difficult to manage and maintain. At the same time, because the system is internal and only impacts court operations, running reports and making modifications is much easier than making changes to a system that supports and affects court state-wide.

One of the primary issues that come from trying to retrieve statistical data from MCIS is that there is not an automated way to retrieve data. Each time a user wants to retrieve any type of data, a formal request must be made to the court’s technology staff, which is prioritized against all other requests. Unfortunately, requests for statistical data do not compare favorably to other requests.

**Figure 10. Percentage of Resolved Criminal Cases within BJA Time Standards**



The BJA Time to Resolution Performance Standards<sup>1</sup> were developed and adopted by the American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators. Timely disposition is defined in terms of the elapsed time a case requires for consideration by a court, including the time reasonably required for pleadings, discovery, and other court events. Any time beyond that necessary to prepare and dispose a case constitutes delay<sup>2</sup>. The time standards were adopted to help courts with caseloads and to avoid any unnecessary backlog.

<sup>1</sup> BJA Trial Court Performance Standards.

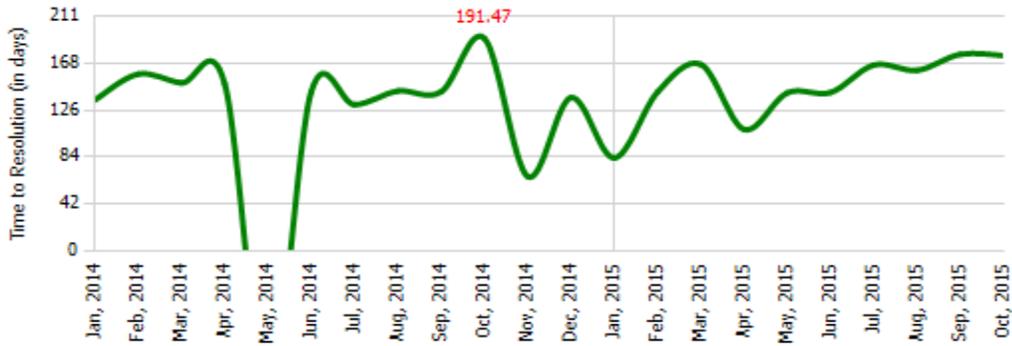
<sup>2</sup> Ostrom, 1999.

Reviewing the time to disposition statistics for Seattle Municipal Court for a 14-month period suggests that there has not been a significant change in the percentage of cases resolved in less than 90 days. The percentage hit a high of 59.28% and a low of 50.34% during the time period; the average hovered around 55%. For cases resolved between 91 and 180 days, the high for the period was 29.74% and the low was 20.48%. This variation seems similar to that of cases disposed within 90 days. Lastly, for cases resolved in 180 days or more, the high was 13.9% and the low was 7.85%.

**Figure 11. Time to Resolution Rate within BJA Time Standards for 2014 and 2015**

	2014			2015		
	<= 90 days	91 - 180 days	181 - 270 days	<= 90 days	91 - 180 days	181 - 270 days
Jan	53.16%	22.862%	12.825%	55.719%	24.02%	13.889%
Feb	56.905%	20.476%	10.714%	58.449%	27.038%	10.934%
Mar	56.328%	25.31%	10.174%			
Apr	53.267%	27.129%	9.307%			
May	50.339%	24.746%	13.898%			
Jun	54.452%	24.486%	9.075%			
Jul	52.721%	23.639%	12.415%			
Aug	58.283%	21.158%	11.178%			
Sep	59.283%	25.105%	9.705%			
Oct	55.927%	26.377%	10.017%			
Nov	54.433%	28.247%	9.897%			
Dec	54.562%	29.745%	7.847%			

**Figure 12. Average Time to Resolution (General Criminal)**

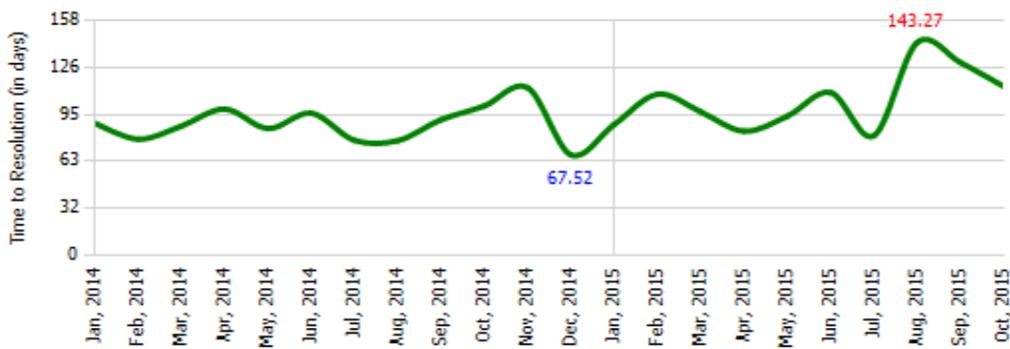


**Figure 13. Average Time to Resolution (in days) for General Criminal**

	2014	2015
Jan	135.85	83.68
Feb	159.22	142.96
Mar	151.24	167.99
Apr	150.50	109.39
May	-127.96	142.33
Jun	143.07	142.52
Jul	131.61	167.39
Aug	143.97	162.60
Sep	143.14	177.03
Oct	191.47	175.89
Nov	66.89	
Dec	138.07	
Average	101.52	145.29

In Figures 12 and 13, it is clear that the time to resolution for general criminal cases has not been consistent for 2014 or 2015. In 2014, the Court saw a lengthy time to resolution time of 191.47 days, while it also had a negative 127.96 days. It is not clear from the data gathered why May 2014 had a rate that differed so drastically from the rest of the year. In 2015, the average time to resolution varied from 83.68 days to as high as 175.89 days.

**Figure 14. Average Time to Resolution (Domestic Violence)**



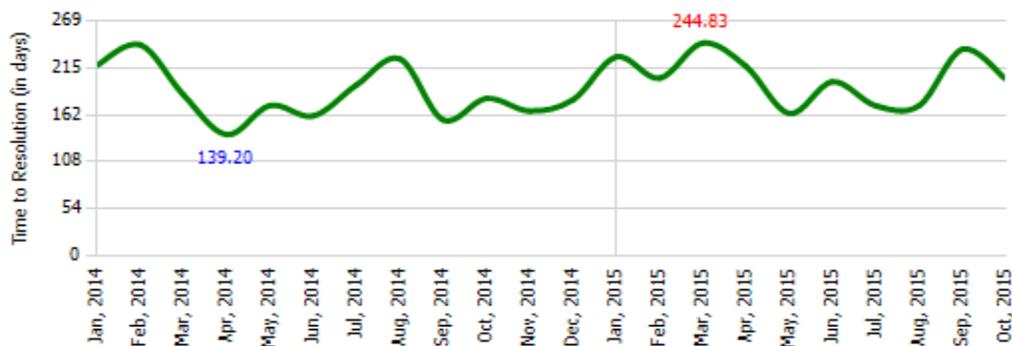
**Figure 15. Average Time to Resolution (in days) for Domestic Violence Cases**

	2014	2015
Jan	88.86	88.06
Feb	78.11	108.43
Mar	86.93	96.50
Apr	98.45	83.47
May	85.26	93.60
Jun	95.62	109.55
Jul	77.30	80.44
Aug	77.13	143.27

Sep	91.24	129.81
Oct	100.55	113.72
Nov	112.83	
Dec	67.52	
Average	88.01	104.45

In Figures 14 and 15, the average time to resolution for domestic violence cases appeared to be far less in 2014 or 2015 than general criminal cases. In 2014, the Court saw a low of 67.52 days and a high of 112.83 days. In 2015, the average time to resolution was longer, with a low of 80.44 days and a high of 143.27 days. It is not clear from the data the cause for shorter lengths of time to resolution in domestic violence cases, but it is an area that should be explored.

**Figure 16. Average Time to Resolution (DUI)**



**Figure 17. Average Time to Resolution (in days) for DUI Cases**

	2014	2015
Jan	219.15	228.86
Feb	242.82	204.17
Mar	185.09	244.83
Apr	139.20	217.85
May	172.80	163.53
Jun	160.77	200.12
Jul	196.44	172.42
Aug	226.53	172.48
Sep	156.18	237.60
Oct	180.92	203.27
Nov	166.41	
Dec	179.21	
Average	184.68	203.72

In Figures 16 and 17, the average time to resolution for DUI cases was clearly much longer in 2014 and 2015 than both general criminal cases and domestic violence cases. In the year 2014, the Court saw a low of 139.20 days and a high of 242.82 days. In 2015, the average time to resolution was longer, with a low of 163.53 days and a high of 244.83 days. Again, just by analyzing the data, there is no obvious reason for the variances in time to resolution by case type.

## **Conclusions and Recommendations**

**Conclusion 1: The court has a significant number of domestic violence and non-domestic violence cases that could potentially proceed to jury trial.**

The court originally operated by keeping the two case types separated so that different groups of prosecutors, defense attorneys and judges could handle these cases. This is very common in a differentiated case management track. This method did not prove to have any lasting effects that were unique and beneficial.

**Recommendation 1: Consolidate the two trial assignment courtrooms into one master court.**

For most of 2015, many of the domestic violence cases settled or plead shortly before proceeding to trial, leaving two courtrooms dedicated to hearing this particular case type scrambling on how to become useful. It would be more efficient to have one courtroom “master” or assign out all of the trials to all available courtrooms.

**Conclusion 2: It is difficult to justify the number of jurors that the court summons on a monthly basis when compared to the number of jurors that do not appear, as well as the number of trials that proceed to a jury trial.**

The jury trials in Seattle Municipal Court only require a total of six jurors, and with an average of ten jury trials a month, there appears to be some flexibility in the actual number of jurors needed.

**Recommendation 2: Consider summoning fewer jurors.**

Coupled with an increase in the number of jurors that respond or appear for jury service, the court may implement a revised summoning process that results in few jurors summoned, yielding a higher juror utilization rate.

**Conclusion 3: The Court intentionally holds readiness or pretrial conference hearings on the Friday preceding a scheduled trial day.**

This is a hearing to make a final determination from both sides of a case whether they are ready and intend to proceed to trial the next week. Generally, the parties are required to submit a certificate of readiness, which formally indicates to the court that they parties intend to proceed. However, this isn't always the case. If there was an absolute guarantee to these hearings, it should improve the rate and expectation of cases actually proceeding to jury trial.

**Recommendation 3: Make better use of readiness/pretrial conference hearings.**

Requiring greater compliance with readiness/pretrial conference hearings will require collaboration between the court, the prosecutor and the defense agencies.

**Conclusion 4: Much like anything that processes by way of mailing address, jury summons have a high rate of incorrect delivery or delivery failure.**

There are many variables when it comes to the court summoning jurors that are out of its span of control. Mail delivery is an example of one of these processes.

**Recommendation 4: Work with the Washington Department of Licensing to improve potential juror mailing addresses.**

Because this is a statewide process involving a multitude of agencies, the scope of this recommendation is large, and requires a significant amount of time and resources. Any changes would not only affect the local court, but courts on a statewide basis.

**Conclusion 5: There is clearly no expected recourse for a summoned juror to respond or even appear to a personal jury summons.**

That's not to say that many people do not take jury duty seriously. Many people will attend even if there is some type of financial hardship that occurs. They understand the legal

mandate and the civic importance of jury service. On the other hand, there are individuals that will toss a summons into the recycle bin and never think twice about it. If the court were to take these individuals more seriously and institute follow-up procedures for failures to appear, there will likely be an increase in response and appearance rates. If courts treat jurors who fail to appear as seriously as they take defendants who fail to appear, responses to jury duty would increase.

**Recommendation 5: Implement greater accountability for summoned jurors.**

An example of a show of accountability would be to schedule a handful of show cause hearings for jurors who do not respond or appear, accompanied by a fine.

## References

- Bureau of Justice Assistance. (1997). *Trial court performance standards*. Washington, DC. <https://www.ncjrs.gov/pdffiles1/161570.pdf> (accessed December 19, 2015).
- Church, T. W., Carlson, A., Lee, J. Q., & Tan, T. (1978). *Justice delayed: The pace of litigation in urban trial courts*. Williamsburg, Va.: National Center for State Courts.
- Council for Court Excellence. (2015). *Jury Service Revisited: Upgrades for the 21<sup>st</sup> Century*. Washington, D.C.
- Diggs, T. M. (1997). *Trial court performance standards – guiding courts into the future: a curriculum for judges, court administrators and court staff*. Williamsburg, VA: Institute for Court Management.
- Federal Judicial Center. (1972, October). *Guidelines for improving juror utilization in the United States district court*. Washington, DC: Federal Judicial Center.
- Merrill, F. & Schrage, L. (1970). *A pilot study of utilization of jurors*. Chicago: American Bar Foundation.
- Munsterman, G. T. (2002) *Implementing jury trial innovations*. Retrieved June 16, 2006.
- National Center for State Courts (1978, April). *A report to the California judicial council on ways to improve trial jury selection and management*. San Francisco: Judicial Council of California.
- National Center for State Courts. (1980). *Jury utilization in Fulton County, (Atlanta) GA*. McLean, VA: The Center for Jury Studies.
- National Center for State Courts. (2005). *CourTools: Trial court performance measures*. Williamsburg, VA: National Center for State Courts.
- National Center for State Courts. (2015). *The state-of-the-states survey of jury improvement*

- efforts*. Williamsburg, VA.
- National Center for State Courts. (2009). *Jury managers' toolbox: Best practices for effective juror utilization*. Williamsburg, VA.
- Ostrom, B. & Hanson, R. A., (1999, October). *Efficiency, timeliness, and quality: A new perspective from nine state criminal trial courts*, Williamsburg, VA: National Center for State Courts. <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=409> (accessed 30 July, 2015).
- Pound, R. (1906). "The causes of popular dissatisfaction with the administration of justice," Law Library-American Law and Legal Information, <http://law.jrank.org/pages/11782/Causes-Popular-Dissatisfaction-with-Administration-Justice-Causes-Popular-Dissatisfaction-with-Administration-Justice.html> (accessed 21 Sept., 2015).
- Steelman, D. C., Goerdt, J. A., & McMillan, J., (2000). *Caseflow management: The Heart of court management in the new millennium*. Williamsburg, VA: National Center for State Courts.
- Stoever, W. A. (1971). *Suggestions for improving juror utilization in the United States district court, southern district of New York*. New York: Institute of Judicial Administration.
- Supreme Court of Texas. (1997). *Jury task force report: Final report*. Lubbock, TX: Texas Tech University School of Law.
- Westinghouse Public Systems Management Services. (1970). *Survey of juror selection and management systems in the federal courts*. Westinghouse.

**Appendix A: Organization of the Washington State Court System**

<p style="text-align: center;"><b>THE SUPREME COURT</b> Six-year terms, staggered</p>
<ul style="list-style-type: none"><li>• Appeals from the Court of Appeals</li><li>• Administers state court system</li></ul>
<p style="text-align: center;"><b>COURT OF APPEALS</b> Six-year terms, staggered Division I, Seattle; Division II, Tacoma Division III, Spokane</p>
<ul style="list-style-type: none"><li>• Appeals from lower courts except those in jurisdiction of the Supreme Court.</li></ul>
<p style="text-align: center;"><b>SUPERIOR COURT</b> Four-year terms</p>
<ul style="list-style-type: none"><li>• Civil matters</li><li>• Domestic relations</li><li>• Felony criminal cases</li><li>• Juvenile matters</li><li>• Appeals from courts of limited jurisdiction</li></ul>
<p style="text-align: center;"><b>COURTS OF LIMITED JURISDICTION</b> Four-year terms District and Municipal courts</p>
<ul style="list-style-type: none"><li>• Misdemeanor criminal cases</li><li>• Traffic, non-traffic, and parking infractions</li><li>• Domestic violence protection orders</li><li>• Civil actions of \$75,000 or less</li><li>• Small claims up to \$5,000</li></ul>