IMPROVING THE JURY EXPERIENCE
THROUGH JUROR EDUCATION
IN NORTH DAKOTA

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# Improving the Jury Experience Through Juror Education in North Dakota

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I. ABSTRACT

North Dakota has a unified court system which operates trial courts providing litigants the opportunity for trial by jury in each of its 53 counties. The purpose of this paper is to study jury orientation and juror impressions of the deliberation process in Administrative Unit 3. The goal of the project is to improve the jury experience through improved juror education.

Jury research and literature suggests that juror satisfaction is affected by the information provided to jurors at various stages of a trial and satisfied jurors will improve public trust and confidence in the courts. Research shows that jurors across the country have a variety of reasons for being uncomfortable with the jury process. Through proper education of and communication with jurors, court administrators can ensure courtesy and respect to jurors while protecting the rights of litigants.

To determine what information was being provided to jurors, a study of the information provided by clerks of court prior to voir dire was conducted during October 2007. A survey was also distributed to all impaneled jurors for a one month period from September 20, 2007 through October 20, 2007.

Surveys of clerks of court in Administrative Unit 3 revealed that very little information was provided to jurors prior to voir dire. Surveys of jurors indicated that impaneled jurors were comfortable with their duties while deliberating. This indicates that the jury instructions provided by judges prior to deliberations currently give jurors the necessary information to successfully deliberate, communicate with the court, and deliver a verdict.

This study concludes with recommendations for improving the current methods of delivering orientation information and methods to improve juror education, ultimately improving juror knowledge for deliberations and juror satisfaction.
II. INTRODUCTION

The significance of the jury is not limited to its role in the decision making process; jury service also provides citizens with an opportunity to learn, observe, and participate in the judicial process. The jury system affords an opportunity for citizens to develop an active concern for and interest in the administration of justice. Education of the public in the role of the jury in the American legal system, therefore, is essential.¹

The American Bar Association included the above excerpt in the guiding statement of its Jury Standards Task Force and Jury Standards Committee. As managers of staff who administer juries and jurors in North Dakota, court managers are in a prime position to enhance the quality of the decision-making process by ensuring adequate education for citizens called to jury duty.

Education is a cornerstone of much of the legal system; juries are no exception to this. Court administrators, responsible for operational oversight of court personnel, must ensure consistent administration of all judicial functions. Jury service is a unique experience which provides Americans an inside look at the judicial system. Court personnel must take advantage of every opportunity to educate these newcomers to the judicial system.

The general public obtains information about jury duty from the media. Newspapers routinely contain information about jury trials and jurors in high profile or controversial cases.

Letters to the editor and internet blogs contain anecdotal information regarding jury service where jurors recount the difficulties of their jury service and their frustrations with the process. A letter to the editor by a juror who had been twice been called for jury duty recounted the stress involved in an intimidating jury experience with no orientation provided. This citizen may have caused many prospective jurors of the North Dakota court system to view jury service in a negative light.

**The North Dakota Court System**

North Dakota courts operate a unified judicial system under the direction of the North Dakota Supreme Court. North Dakotans have a constitutional right to a trial by jury in both civil and criminal cases in North Dakota’s District Courts. Rule 23 of the North Dakota Rules of Criminal Procedure provides criminal defendants the right to demand a trial by jury in District Court. Rule 38 of the North Dakota Rules of Civil Procedure provides that same right to civil litigants in District Court. Municipal court defendants who wish to be tried by a jury may transfer their case to the district court as provided under chapter 40-18-15.1 of the North Dakota Century Code. The National Center for State Courts provides information on the structure of courts in all 50 states. Figure 1 below shows the hierarchical structure of North Dakota Courts.

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6 North Dakota Court Structure, National Center for State Courts. 2 December 2007 <http://www.ncsconline.org/D_Research/Ct_Struct/include/ND_p.pdf>.
North Dakota Supreme Court

5 Justices
Mandatory jurisdiction in all appeals and all case types

North Dakota District Courts

42 Judges, 8 Judicial Referees
Criminal, Civil, Traffic, Domestic Relations, Juvenile jurisdiction
Jury trials upon demand

North Dakota Municipal Courts

77 Judges
DUI/DUS, Traffic violation jurisdiction
No jury trials

North Dakota Supreme Court Administrative Rule 6 \(^7\) groups the general jurisdiction courts in each of North Dakota's 53 counties into seven judicial districts. It is the intent of the

\(^7\)Administrative Rule 6 - JUDICIAL DISTRICTS, North Dakota Supreme Court. 15 November 2007 <http://www.ndcourts.com/rules/administrative/frameset.htm>.
Supreme Court that the residents of the various counties within a judicial district receive judicial services in their own county without the need to travel to the judge’s chambered city.

Rule 6 provides that the South Central Judicial District shall consist of the counties of Burleigh, Emmons, Grant, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux, and Sheridan. The Southwest Judicial District shall consist of the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope and Stark. These twenty counties comprise Administrative Unit 3 under the Supreme Court’s Administrative Rule 6.1. A map of North Dakota with the administrative units marked is shown in Figure 2.

North Dakota Administrative Units

Figure 2 - Map of North Dakota Judicial Districts and Administrative Units

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Rule 6.1 also requires that trial court administrators assist the State Court Administrator and the judges in the administrative unit in ensuring uniform and consistent implementation of Judicial Branch policies and procedures.

Statistics show that the South Central District in Administrative Unit 3 holds more jury trials than any other judicial district in North Dakota. During 2006, the South Central District held 92 and the Southwest District held 17 jury trials as shown in table 1 below.\(^9\)

<table>
<thead>
<tr>
<th>Total Trials 2006</th>
<th>EC</th>
<th>NE</th>
<th>NEC</th>
<th>NW</th>
<th>SC</th>
<th>SE</th>
<th>SW</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Quarter</td>
<td>9</td>
<td>4</td>
<td>5</td>
<td>12</td>
<td>27</td>
<td>9</td>
<td>3</td>
<td>69</td>
</tr>
<tr>
<td>2nd Quarter</td>
<td>11</td>
<td>3</td>
<td>6</td>
<td>8</td>
<td>19</td>
<td>7</td>
<td>6</td>
<td>60</td>
</tr>
<tr>
<td>3rd Quarter</td>
<td>10</td>
<td>3</td>
<td>6</td>
<td>12</td>
<td>28</td>
<td>9</td>
<td>4</td>
<td>72</td>
</tr>
<tr>
<td>4th Quarter</td>
<td>10</td>
<td>6</td>
<td>6</td>
<td>13</td>
<td>18</td>
<td>13</td>
<td>4</td>
<td>70</td>
</tr>
<tr>
<td>Total Trials by District</td>
<td>40</td>
<td>16</td>
<td>23</td>
<td>45</td>
<td>92</td>
<td>38</td>
<td>17</td>
<td>271</td>
</tr>
</tbody>
</table>

Court employees are often excused from juries because of their extensive knowledge about court processes, however, this researcher was once impaneled on a jury for a murder case in a Federal Court. The experience proved to be educational, stressful, and ultimately unforgettable. The experience also proved to be somewhat uncomfortable after the jury was instructed to deliberate. Instructions to the jury included information about how to apply the law, but little information about how to select a foreman, what the role of the foreman should be,

how to organize deliberations, or when or how to vote for a verdict. The powerful impression of that experience, coupled with a comment made by an attorney indicating that the jury on which she had been impaneled did not know what to do, ultimately led to this research project.

Consistent orientation of jurors and consistent juror education in Administrative Unit 3 is the goal of this project. To measure the consistency of information provided to jurors in the unit, clerks of court in Administrative Unit 3 were asked to provide the orientation information given to jurors prior to jury selection or voir dire. This information should provide a benchmark to which future orientation programs can be compared.

Jury research in general and surveys of staff and jurors in specific areas are an important part of developing and delivering timely, clear, and useful information to jurors at various stages of the jury trial process. By implementing these surveys and evaluating the information provided to jurors in Administrative Unit 3 and elsewhere, this paper seeks to answer the following questions:

1. Are court clerks providing consistent information to jurors prior to voir dire?

2. How can court personnel in Administrative Unit 3 improve the process of educating jurors?

3. Do jurors understand their duties during deliberations?

4. What additional information would make the jury experience more positive for jurors?

5. How can Administrative Unit 3 improve juror satisfaction?

The remainder of this report is divided into four sections: a literature review describing books, articles, and information reviewed during the project; a methodology section describing
the process of data collection, survey instruments utilized, and the data gathered; a findings section presenting the results of the surveys, and a conclusions and recommendations section presenting recommended practices and strategies to improve juror education.

Jury service can become less stressful for Administrative Unit 3 jurors if prudent reforms are implemented to respond to juror needs. Timely, thorough, and consistent education for jurors will ultimately improve their jury experience. Through the review of previous research in the field and the use of ongoing surveys and analysis, public administrators can improve the efficiency and effectiveness of programs related to jury service and ultimately increase public trust and confidence in the courts.
III. LITERATURE REVIEW

When most citizens receive a summons for jury duty in the mail, they are not anxious to serve. Many think of reasons why they cannot serve or why they should be excused. However, a transformation occurs in the courtroom. Although prospective jurors begin jury service with their excuses in mind, unless the excuses are serious impediments to service, they soon fade. At some point, perhaps through the process of voir dire, they are transformed from citizens who do not want to serve into citizens who are ready to serve.\textsuperscript{10}

Court managers collect and analyze data relating to jurors and juries in order to improve the jury process. The American Bar Association \textit{Principles for Juries and Jury Trials}\textsuperscript{11} and \textit{Standards Relating to Juror Use and Management}\textsuperscript{12} provide court managers guidelines as a basis for policy and procedure development related to assembling, educating, and managing jurors before and during the conduct of jury trials. Managers utilize these guidelines in an attempt to alleviate juror concerns and stress.

The American Bar Association recognizes that it is the responsibility of the court to provide prospective jurors with information of what is expected of them during their term of service and give them specific instructions once they are selected as jurors.\textsuperscript{13} These standards guide court managers in developing the timing of orientation and the media format in which it will be delivered to prospective and impaneled jurors as outlined in ABA Standard 16\textsuperscript{14} and shown below:

\textsuperscript{12} See Note 1 supra.
\textsuperscript{13} See Note 1 supra, page 139.
\textsuperscript{14} See Note 1 supra, page 140-142.
(a) Courts should provide some form of orientation or instructions to persons called for jury service
   (i) Upon initial contact prior to service;
   (ii) Upon first appearance at the courthouse;
   (iii) Upon reporting to a courtroom for voir dire;
   (iv) Directly following empanelment;
   (v) During the trial;
   (vi) Prior to deliberations; and
   (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.

In addition to the ABA guidelines, other organizations provide public administrators and court managers with information for benchmarking and improving court functions. The National Center for State Courts has developed a set of tools for court managers to utilize in measuring performance in the courts. These CourTools \textsuperscript{15} were developed from successful performance measurement systems used in the public and private sectors and are designed to integrate the major performance areas defined by the Trial Court Performance Standards.\textsuperscript{16} The tools help managers identify and define core responsibilities of courts by focusing on specific and measurable results. These standards help court managers to ensure courtesy and responsiveness by court employees. They also guide court managers in regard to public education.

Jurors can expect courts to provide them with the information necessary to perform their duties as jurors. As with any new experience, jurors typically have many questions. Answers to frequently asked juror questions are included in a pamphlet available on the North Dakota


\textsuperscript{16} Commission on Trial Court Performance Standards. Trial Court Performance Standards. Williamsburg: Joint Project of the National Center for State Courts and the Bureau of Justice Assistance, 1990.
Supreme Court website Guides page in the *North Dakota Juror's Handbook*. The information aims to ease juror stress by clarifying information about the process and terminology related to jury service.

Jurors receive some information from court personnel upon arrival at the courthouse and other, more specific information from the judge in the jury instructions given prior to deliberations. Because jurors are required to render a verdict even if they do not correctly understand the instructions provided to them, they may rely on their own sense of what is fair and just to aid their decision-making process.  

Decision making is a common topic for sociologists and psychologists. Group dynamics influence decision making on many levels but juries are unique to decision making because they bring between six and twelve complete strangers together to make important decisions. These unique strangers must choose a leader, decide how to communicate, and come to agreement even under very difficult situations. Whether deliberations are driven by information or a desire for a verdict, jurors must learn to communicate with each other. Both anecdotal and empirical studies of jury behavior strongly support the contention that jurors take seriously their responsibility to apply the law.

Clear instructions are paramount when judges instruct jurors on how to apply the law in each case. Presiding Judge Gail Hagerty of the South Central Judicial District published an article in the *North Dakota Law Review* which underscores the importance of clear and concise jury instructions. Hagerty writes that skills taught to and practiced by journalists are also

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important in drafting understandable instructions and that jury instructions should be clear and avoid fancy or needless words, in addition to being brief, clear and concise, logically organized, and free of legalese.\textsuperscript{20} To ensure due process and provide easily accessible information for counsel, judges, and juries in both civil and criminal cases; pattern jury instructions have been developed by the Pattern Jury Instructions Commission.\textsuperscript{21} These instructions help the judge to instruct the jury in each case with respect to the duties with which they are charged in the resolution of the issues at hand.

Providing jurors proper orientation and helping them understand their roles can help to reduce juror stress. Roles of a juror change throughout the process. After being summoned, jurors will have questions about what to wear, where to park and where to go. Upon arrival at the courthouse, jurors will have questions about how to find the courtroom, how long jury selection will take, or whether they will be compensated or reimbursed for mileage. They may have questions about the process of voir dire and concerns about revealing personal information in court. Orientation information may be provided by various court personnel at various stages of the process.

Unclear jury instructions can contribute to jurors’ overall feelings of confusion and stress.\textsuperscript{22} Once juries have received instruction from the judge, and they are sent to deliberate, jurors must select a group leader, a foreman or a forewoman. When the court procedures do not provide that the first person selected for the jury act as leader or if the judge does not randomly select a juror to act as leader, research suggests that the first juror to discuss the election of a

leader is typically the one nominated. Other research suggests that whoever speaks first or sits at the head of the table (as opposed to the sides) is likely to be picked. Regardless of how the jury leader is selected, jurors can experience stress related to the uncertainty of this new experience which can hinder the deliberation process.

The frustration of jurors regarding their deliberation responsibilities has led to research projects and resulted in one handbook written by the American Judicature Society. Behind Closed Doors details a review of previous research and the conduct of focus groups. Focus group participants helped the researchers to develop types of information which would have been most useful to know or have on hand before deliberations began. These types of information were: an overview of the role of the jury; how to get organized; how to handle disruptive juror or particularly conflict-ridden deliberations; the role of the presiding juror; the jury instructions; how and when to get assistance from the court; when and how to vote for a verdict; how to handle an impasse; and general group dynamics. Behind Closed Doors provides valuable information to public administrators and court managers, allowing for easy adaptation of the pamphlet for local use.

Clerks in Administrative Unit 3 do not currently survey jurors at the completion of jury service so questionnaires from the East Central and Southeast districts in Administrative Unit 2 were reviewed for additional information regarding juror impressions of the jury experience. See Figure 2 on page 7 for geographic reference. These surveys provided information on the

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impressions of jurors, one of whom suggested that jurors be told exactly what to deliberate about: the facts of the case, not the presenters of the case.27

Guided by this archived information, industry professional guidelines, information posted in letters to the editor, internet blogs, personal experiences, and a desire to improve current jury practices in Administrative Unit 3, the research methods utilized for this research project were focused on juror orientation, juror satisfaction, and possible ways to improve them.

This researched information not only helped to focus the project on the deliberations process, it also impacted the questions asked on the surveys and the recommendations made for improvement in Administrative Unit 3.

27 Iverson, Chris. "Survey Responses." E-mail to Donna Fair. 13 July 2007.
IV. METHODS

Two survey methods were undertaken to determine what information was being provided to jurors and whether it was adequate. Research of archived literature provided additional insight into juries and juror opinions of the jury experience. Research of juror exit surveys in other jurisdictions also provided insight.

First, clerks of court were asked to outline the information provided to jurors upon arrival at the courthouse for jury duty. The survey of clerks underwent limited testing because it was an open-ended survey which simply asked clerks to identify what methods of orientation were utilized and what information was provided to jurors upon arrival at the courthouses. Trial court administrators and trial court managers from Administrative Unit 1, including the Northeast and Northeast Central Judicial Districts, and Administrative Unit 2, including the East Central and Southeast Judicial Districts were asked to provide advice on what information should be requested from the court clerks. A copy of the letter to clerks of court on October 11, 2007 is attached at Appendix A. With twenty counties in Administrative Unit 3, it is important that all clerks of court provide consistent information to potential jurors upon arrival at the courthouses.

Second, a survey was given to impaneled jurors for a one month period. The survey for the impaneled jurors was pretested with the judges, court clerks, and other court staff present at the South Central Judicial District Judges’ meeting on September 7, 2007. After the presentation, no comments or suggested changes were offered. The survey was also tested with judges, clerks, and court staff at the Southwest Judicial District Judges’ meeting on September 18, 2007. Southwest district court staff suggested slight changes to the survey to eliminate
inconsistent wording. The suggestions were followed and changes made before distribution to the clerks of court.

The survey was mailed to all 20 clerks throughout the Administrative Unit with instructions to direct the court bailiffs to administer the survey to each impaneled juror upon completion of deliberation from September 20, 2007 through October 20, 2007. Bailiffs were selected to administer the surveys because they have the responsibility of managing jurors throughout each jury trial. Copies of the memo sent to clerks and the survey instrument given to impaneled jurors are attached at Appendices B and C.

Jurors were asked to rank several aspects of their jury experience on a Likert scale. A psychometric response scale with responses including strongly agree, somewhat agree, neutral, somewhat disagree, and strongly disagree, allowing respondents to specify their level of agreement with each statement in the survey. See Appendices D and E for reference.

Bailiffs asked jurors to complete the survey after they were discharged of their duties as jurors at the conclusion of the trial. If a juror chose not to complete a survey, bailiffs were instructed not to coerce any juror to complete the survey. Bailiffs returned the surveys to the clerk of court upon completion of each trial. Clerks of court subsequently sent the completed surveys to the court administration office as directed. Surveys were collected from both clerks of court and jurors throughout October, 2007.

Six out of eight clerks in the Southwest District responded for a response rate of 75%. See Figure 3 below for Southwest District clerk response rates. One of the clerks who did not respond does not have a courtroom that can accommodate a jury in the courthouse, forcing the court to hold jury trials in a neighboring county; the other is from a county which has not held a jury trial for 14 years.
Nine of twelve clerks responded in the South Central District, for a response rate of 75%. The three clerks who did not respond were from rural areas; one who provides no information to jurors because jury trials are held in a neighboring county due to lack of space in the local courthouse; and two clerks who hold an average of less than one jury trial per year. These survey results were gathered by court administration staff and analyzed by the court administrator. See Figure 4 for survey response rates.
Surveys of impaneled jurors were administered by court bailiffs at the conclusion of each trial. Impaneled jurors are those jurors who were summoned to appear at the courthouse for voir dire and selected to sit in the jury box, listen to the facts of the case, deliberate, and ultimately deliver a verdict. Jury management statistics show that there were 15 jury trials held throughout Unit 3 during the survey period. These jury trials included both six person and 12 person juries in criminal trials and two nine person civil juries, for a total of 105 jurors who actually deliberated in those cases. Ninety-five surveys were returned from those jurors, for a response rate of 90%. Survey results were gathered by staff in the court administration office, then compiled and analyzed by the court administrator. See Figure 5 below for impaneled juror response rates.

Figure 5 - Impaneled Juror Response Rates

Impaneled Juror Responses

Archived literature which was reviewed prior to developing and implementing surveys had an impact on the questions asked in the surveys, seeking to improve on the current orientation and deliberation processes. The literature review was conducted during the months of August, September, October, and November 2007.
V. FINDINGS

Surveys of the Clerks of Court revealed that jurors were provided surprisingly little information upon arrival at the courthouse. Some clerks provided absolutely no information to jurors. Other clerks simply told the jurors how to find the restrooms or how much they would be paid for their service. Some clerks handed out a brochure designed for employers outlining the statute which provides that an employer may not deprive an employee of employment or threaten or otherwise coerce an employee because of jury service. Still other clerks reported that they did not provide information to the jurors, choosing instead to rely on the information provided by judges in the courtroom prior to voir dire. Some judges provided explanation of the entire court trial process, while others simply explained voir dire. The orientation process varied in length, from less than five minutes to about ten minutes.

Survey results from the impaneled jurors provided an unexpected result. As a result of this researcher’s experience in Federal Court, it was anticipated that jurors in the North Dakota State District Court would express the same frustrations and lack of confidence in the charged duties. The returned survey responses appear to show confidence in both the processes for selecting a presiding juror and for deliberation.

Jurors expressed their opinions in a very positive manner. The mean response for nearly every question was between Strongly Agree and Somewhat Agree. The mode for every question was rated “Strongly Agree”. Survey results in the aggregate are included in Appendix D showing the mean and mode for each question, and Appendix E which shows the total number of respondents and percentages which correlate with each response and each question.

Jurors were first asked to report whether they agreed with a statement that they understood the instructions for deliberations. As shown in Table 2 below, three quarters of
respondents indicated that they strongly agreed that they understood the instructions for deliberations. Another 18% somewhat agreed that they understood the instructions. A mere six percent of respondents reported that they either were neutral or that they somewhat disagreed with the premise of the question. No respondents strongly disagreed that they understood the instructions for deliberations.

Table 2 - Respondents' Understanding of Instructions

<table>
<thead>
<tr>
<th>Understood instructions for deliberations</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>72</td>
<td>17</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>75.6%</td>
<td>17.9%</td>
<td>4.2%</td>
<td>2.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

The second question related to jury instructions asked respondents how strongly they agreed or disagreed that they understood how to apply the law. Ninety-five percent of respondents either strongly agreed or somewhat agreed that they understood how to apply the law. Four percent were neutral and only one percent of respondents somewhat disagreed that they knew how to apply the law as shown in Table 3 below.

Table 3 - Respondents' Understanding of How to Apply the Law

<table>
<thead>
<tr>
<th>Understood how to apply the law</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>61</td>
<td>29</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>64.2%</td>
<td>30.5%</td>
<td>4.2%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

This result, coupled with the result to question 1, above, showed that Administrative Unit Three District Court Judges are explaining written and verbal jury instructions clearly. This indicates that judges recognize the importance of clear jury instructions and that they utilize the
guidance provided on the State Bar Association website which provides easy access to Pattern Jury Instructions.28

Jurors were next asked to answer two questions regarding the selection of a jury leader. Specifically, jurors were asked to rate their confidence in their knowledge of how to select a jury foreman and how easily a leader was selected. Responses to this question, while still mostly positive, showed less confidence in the process of electing a jury leader. Fifty-six out of 95 or 59% respondents strongly agreed that they knew how to select a jury leader. Twenty-six respondents or 27% only somewhat agreed that they knew how to select a leader. Nine percent were neutral and four percent somewhat disagreed that they knew how to select their leader as shown in Table 4.

Table 4 - Respondents' Understanding of How to Select a Jury Leader

<table>
<thead>
<tr>
<th>Number of Respondents</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>56</td>
<td>26</td>
<td>9</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>58.9%</td>
<td>27.4%</td>
<td>9.6%</td>
<td>4.2%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

When asked to rate how difficult it was to elect a jury leader, over two thirds of the respondents strongly agreed that selecting a jury leader was easy. Nearly one fourth of the respondents somewhat agreed that the process was easy. Seven percent of the respondents were neutral, one percent somewhat disagreed that the process was easy. No respondents strongly disagreed with these questions. Table 5, below, shows these response rates.

Table 5 - Respondents' Comfort with Process of Selecting a Jury Leader

<table>
<thead>
<tr>
<th>Selecting a jury leader was easy</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>65</td>
<td>22</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>68.4%</td>
<td>23.2%</td>
<td>7.4%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

The next five questions relate to the process of deliberation itself. Forty-one of 95 respondents, or 43%, strongly agreed that they understood how to begin deliberating as shown in Table 6. Thirty seven of 95 respondents or 39% only somewhat agreed that they knew how to begin deliberating. Sixteen respondents, or 17%, reported that they were neutral on this question. One respondent somewhat disagreed and no respondents reported that they strongly disagreed that they understood how to begin deliberations.

**Table 6 - Respondents' Understanding of How to Begin Deliberating**

<table>
<thead>
<tr>
<th>Understood how to begin deliberating</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>41</td>
<td>37</td>
<td>16</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>43.2%</td>
<td>38.9%</td>
<td>16.8%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Fifty-five of 95, or 58% of respondents strongly agreed that they understood what to deliberate about as shown in Table 7. Thirty-four of 95, or 36% of respondents somewhat agreed that they understood what to deliberate about. Five jurors responded that they were neutral; one somewhat disagreed, and no jurors strongly disagreed that they understood what to deliberate about.
Table 7 - Respondents' Understanding of What to Deliberate About

<table>
<thead>
<tr>
<th>Understood what to deliberate about</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>55</td>
<td>34</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>57.9%</td>
<td>35.8%</td>
<td>5.3%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Twenty-eight of the 95 respondent jurors, or 30% strongly agreed that they were concerned about making a mistake. Twenty-one jurors or 22% of jurors somewhat agreed that they were concerned about making a mistake. Seventeen jurors, for 18% responded that they felt neutrally about making a mistake. Seven jurors, or seven percent somewhat disagreed that they were concerned about making a mistake, while 22 jurors, for a total of 23%, strongly disagreed that they were concerned about making a mistake. As shown in table 8, this question showed the widest range of responses to the question.

Table 8 - Respondents' Concern about Making a Mistake

<table>
<thead>
<tr>
<th>Concerned about making a mistake</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>28</td>
<td>21</td>
<td>17</td>
<td>7</td>
<td>22</td>
</tr>
<tr>
<td>Percentage</td>
<td>29.6%</td>
<td>22.1%</td>
<td>17.9%</td>
<td>7.4%</td>
<td>23.2%</td>
</tr>
</tbody>
</table>

Table 9 shows that 85 of 95 jurors reported they strongly agreed that deliberations included input from all jurors. This 90% rate, coupled with the eight jurors who somewhat agreed that deliberations included input from all jurors, total 98%. Only one juror responded neutrally and only one juror somewhat disagreed with the participation rates.
Table 9 - Respondents' Perception of Juror Input

<table>
<thead>
<tr>
<th>Deliberation included input from all jurors</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>85</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>89.5%</td>
<td>8.4%</td>
<td>1.1%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

When asked to rate their understanding of what information to include in deliberations, 62 of 95, or 65% of respondents strongly agreed that they knew what to do as shown in Table 10. Twenty-six more jurors somewhat agreed that they knew what information to include, for a total of 27%. Six respondents were neutral and only one respondent somewhat disagreed that they understood what information to include in deliberations.

Table 10 - Respondents' Understanding of What Information to Include in Deliberations

<table>
<thead>
<tr>
<th>Understood what information to include</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>62</td>
<td>26</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>85.3%</td>
<td>27.4%</td>
<td>6.3%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Eighty percent of jurors, including 76 of 95 jurors who answered the survey, strongly agreed that they knew how to vote for a verdict. Sixteen more, or 17%, somewhat agreed that they knew how to vote for a verdict, leaving only three percent combined for the two neutral and one respondent somewhat disagreeing. No respondents strongly disagreed as seen in Table 11 below.

Table 11 - Respondents' Understanding of How to Vote for a Verdict

<table>
<thead>
<tr>
<th>Knew how to vote for a verdict</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>76</td>
<td>16</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>80.0%</td>
<td>16.8%</td>
<td>2.1%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
When asked to rate how they felt about whether they understood how to report the results of deliberations, 62 of 95, or 65% of respondents strongly agreed that they knew what to do. Twenty-five jurors, or 26% somewhat agreed that they knew how to report. Seven respondents, or seven percent, responded neutrally, while one respondent somewhat disagreed that they understood what information to include in deliberations. Again, no jurors strongly disagreed that they knew how to report their verdict. This information is portrayed in Table 12.

Table 12 - Respondents' Understanding of How to Report Results

<table>
<thead>
<tr>
<th>Understood how to report results</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>62</td>
<td>25</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>65.3%</td>
<td>26.3%</td>
<td>7.4%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

The next two questions were related to juror conflict and deadlock. Only 44 of 95, or 46% of respondents strongly agreed that they knew how to resolve conflict with other jurors. Thirty-four respondents, for a total of 36%, somewhat agreed that they knew how to resolve conflict. Fifteen more, or 16% were neutral and two respondents somewhat disagreed. As shown in table 13 below, no respondents strongly disagreed that they knew how to resolve conflict among jurors.

Table 13 - Respondents' Understanding of How to Resolve Conflict

<table>
<thead>
<tr>
<th>Knew how to resolve conflict</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>44</td>
<td>34</td>
<td>15</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Percentage</td>
<td>46.3%</td>
<td>35.8%</td>
<td>15.8%</td>
<td>2.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Even fewer jurors knew how to continue discussion when deadlocked. Thirty-seven of 95 respondents, or 39%, strongly agreed that they knew what to do. Thirty-one respondents, 33%, somewhat agreed and 22 respondents, totaling 23% were neutral. Four respondents
somewhat disagreed and one respondent strongly disagreed that they knew how to proceed when deadlocked, as shown in table 14.

Table 14 - Respondents' Understanding of How to Continue When Deadlocked

<table>
<thead>
<tr>
<th>Knew how to continue when deadlocked</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>37</td>
<td>31</td>
<td>22</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Percentage</td>
<td>38.9%</td>
<td>32.6%</td>
<td>23.2%</td>
<td>4.2%</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

Roughly half, or 53 of the 95 respondents, strongly agreed that they knew how to communicate with the judge. Table 15 shows that this 56% was followed by 24 respondents, or 25%, who somewhat agreed that they knew how to communicate with the judge. Fifteen respondents neutrally for 16%, one respondent somewhat disagreed, and two respondents strongly disagreed that they knew how to communicate with the judge.

Table 15 - Respondents who Understood How to Communicate with the Judge

<table>
<thead>
<tr>
<th>Knew how to communicate with judge</th>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>53</td>
<td>24</td>
<td>15</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Percentage</td>
<td>55.6%</td>
<td>25.3%</td>
<td>15.8%</td>
<td>1.1%</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

When asked to rate the overall experience of serving on the jury, 57 of 95 respondents rated the experience with a five, or best experience rating. Twenty-seven more respondents rated the experience a four out of five; nine rated the experience a three, two rated the experience as a two, and no respondents rated the experience a one out of five, as shown in table 16 below.

Table 16 - Jurors' Overall Experience Rating

<table>
<thead>
<tr>
<th>Overall experience where 5 = best and 1 = worst</th>
<th>Best</th>
<th>Worst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Respondents</td>
<td>57</td>
<td>2</td>
</tr>
<tr>
<td>Percentage</td>
<td>60.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
The answers compiled from surveys of impaneled jurors in Administrative Unit Three provide one component of the analysis of juror impressions of their jury experience as it relates to deliberations. Additional information about other aspects of jury duty was also needed to assess juror education needs. To gain additional insight, juror exit surveys were reviewed from Administrative Unit Two which includes jurors from both the East Central and Southeast Judicial Districts. See Figure 2 on page seven for reference. One juror asked that the court “Educate jurors as to what EXACTLY they are to deliberate about! Facts of the case, not the presenters of the case!”

These surveys provided helpful information, allowing court managers in those districts to identify problems and potential changes for orientation or juror education.

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29 See Note 26 supra.
VI. CONCLUSIONS AND RECOMMENDATIONS

Jury research in general and surveys of staff and jurors in specific areas are an important part of developing timely, clear, and useful information to jurors at various stages of the jury trial process. By implementing these surveys and evaluating the information provided to jurors in Administrative Unit 3 and elsewhere, this paper sought to answer the following questions:

1. Are court clerks providing consistent information to jurors prior to voir dire?

2. How can court personnel in Administrative Unit 3 improve the process of educating jurors?

3. Do jurors understand their duties during deliberations?

4. What additional information would make the jury experience more positive for jurors?

5. How can Administrative Unit 3 improve juror satisfaction?

Surveys of the clerks of court in the Administrative Unit indicated that not only is there a lack of consistency in the information provided to jurors, there is an overall lack of information being provided to jurors upon arrival at each courthouse. Some clerks do nothing more than inform the jurors where to find the restrooms. Other clerks simply tell jurors to turn off their cell phones or where to park their cars. This lack of information leaves much room for improvement. Surveys of the impaneled jurors indicate that while jurors generally understand their deliberation duties and that judges are giving adequate jury instructions in the courtroom, there is still some room for improvement in the process of educating jurors.

The survey findings were inconsistent with some of the literature, causing concern for the survey timing and methods. Based on the industry research and the results of the surveys of the
clerks and jurors in Administrative Unit 3, ten recommendations are made to improve the process of educating jurors in North Dakota. The recommendations will require a collaborative effort between the clerks of court, the court administrator, and court administration staff.

Through the development and use of standardized orientation information, provision of greater information to jurors at various stages of each trial, and public education and outreach efforts, courts can increase responsiveness to juror needs. Surveys of jurors and ongoing communication with court clerks should provide the necessary information for improved education and juror satisfaction, which should ultimately increase public trust and confidence in the court system.

Recommendation 1: Increase the information provided to prospective jurors prior to arrival at the courthouse and take steps to ensure that the information provided is helpful.

The North Dakota Supreme Court website provides answers to frequently asked questions in *The North Dakota Juror’s Handbook.*\(^{30}\) Whether from a lack of time or a lack of knowledge that the link exists, many jurors never visit this web link. Information regarding what to wear, how much a juror will be paid, the length of most terms of jury service, and a glossary of legal terms are included on the link.

Clerks should include the internet web address with the summons to each juror and encourage prospective jurors to visit the site to learn more about jury duty. The most pertinent of this information should be consolidated into a one page question and answer sheet which should be mailed out with the summons for jury duty. A copy of the suggested document for clerks to mail to jurors is attached at Appendix F.

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\(^{30}\) See Note 16 supra.
Juror feedback from this site could be solicited by giving prospective jurors the opportunity to e-mail questions to court personnel. Court administrative staff could compile this feedback and provide insight toward improving the juror handbook on the North Dakota Supreme Court web page. The juror handbook site should be linked to the site currently available to jurors who wish to complete their jury summons questionnaire on-line. This should enhance juror knowledge and ultimately improve juror satisfaction.

**Recommendation 2: Make educational brochures and pamphlets available to jurors upon arrival at the courthouse.**

Upon arrival at the courthouse, jurors should be asked if they would like to review the information which was provided with the summons. After welcoming jurors to the courthouse, bailiffs should have additional pamphlets available for jurors to read while they await voir dire. As part of an established orientation program, clerks of court should gather all potential jurors in the appropriate courtroom at the designated time and provide overview information, per diem rates, and the mileage reimbursement rates.

**Recommendation 3: Inquire as to the special needs of jurors prior to voir dire.**

Clerks and bailiffs should inquire whether potential jurors have special accommodation needs prior to seating them in the courtrooms. Jurors should be advised that accommodations can be made for any special needs related to vision and hearing problems or back pain which may prohibit the juror from sitting for extended periods of time. Equipment is available for hearing impaired jurors but is currently seldom used, leading this researcher to believe that jurors are not aware that the equipment exists and that juror needs are not being met.

**Recommendation 4: Establish a staff training program.**
Recommended protocol should be developed to ensure that each potential juror in Administrative Unit 3 is provided with practical information which clarifies each step in the process of a jury trial. This should include the establishment of a staff training program in which clerks of court and court bailiffs will be instructed in the proper information to provide to jurors at each stage. The role of the clerk and the bailiff should be clarified in this plan to establish a standardized manner in which information is offered.

The standardized orientation should be provided in written, audio, and visual presentation. A PowerPoint presentation should be developed and presented to the clerks to ensure consistent information is available in all counties. The presentation should be prepared and reviewed by administrative staff and presented to clerks and bailiffs annually to ensure that they are continually aware of the proper information to be provided to jurors.

**Recommendation 5: Establish and implement juror exit surveys.**

Information gathered by reviewing juror exit questionnaires from Administrative Unit 2 provided court managers there with insight into current problems with service. Exit surveys of all jurors should be implemented in Administrative Unit 3. A suggested exit survey is attached at Appendix G. Bailiffs should give these surveys to each juror who appears for jury duty. Jurors should be encouraged to ask questions and provide honest input on the juror exit surveys. The information should be gathered by court managers and provided to proper court personnel to make necessary changes in jury processes.

These survey results should provide valuable information to allow ongoing improvement of orientation procedures and deliberation instructions. The survey instrument should be reviewed annually by court managers for potential changes to ensure that the information gathered continues to provide valuable insight into improving juror satisfaction.
Recommendation 6: Utilize ongoing surveys via mail of impaneled jurors to ensure clear instructions and identify areas for ongoing improvement.

When evaluating the surveys of the jurors who actually deliberated in Administrative Unit 3, the response rate seems unusually high. There is some concern that respondents were pressured into answering the surveys because 90% of deliberating jurors answered the surveys. This high response rate could indicate that bailiffs pressured jurors or did not give jurors the option of refusal.

Some surveys showed that jurors simply circled (5) or strongly agree for every question. This could indicate that some jurors did not read all of the questions and they simply circled the same responses to satisfy the bailiffs administering the survey; or it could indicate that jurors were feeling exceptionally positive because they were relieved to have completed their service. This raises concern for the timing of the survey since jurors may have responded differently if they had been given more time to reflect on the experience or if they were not in a hurry to finish the survey and exit the courthouse.

To alleviate this concern, surveys with return envelopes could be mailed to jurors after the completion of deliberations to get more accurate response from the jurors.

Recommendation 7: Convene a focus group.

When evaluating survey responses, it also became evident that the seventh question was poorly worded. When asked to respond to how strongly they agreed or disagreed that they were concerned about making a mistake, juror responses were all over the board. This is likely because the other questions were written in a positive format where confidence in the process required a strongly agree response to the questions.
Those concerns aside, the responses did provide some valuable information from which conclusions can be drawn. Survey responses showed that jurors were generally confident in the duties with which they are charged. While jurors either strongly agreed or somewhat agreed that they were confident with the processes involved in jury service, there is some room for improvement with juror education at various stages of each jury trial.

Convening a focus group would allow court administrators to further investigate these concerns and identify future educational opportunities.

**Recommendation 8: Enlist support of the judges to provide juror education at various stages of the trial.**

American Bar Association Standards Relating to Juror Use and Management\(^{31}\) Standard 16 provides that courts should provide orientation and information to jurors at numerous points prior to and after arrival at the courthouse. Judges in Administrative Unit 3 currently instruct juries at few points in the jury trial process. Information should be provided at various stages of a trial. This could only be accomplished with the cooperation of the judges in the Unit. Information should be provided before and after jury selection, at the beginning of the trial, prior to deliberations, and after delivery of the verdict. Discussion at judges’ meetings will allow administrators time to review with judges the purpose of orientation and the potential benefits to jurors and the smooth operation of the courts.

Judges should include a pre-instruction to the jurors at the beginning of each trial. This would alleviate juror stress by answering questions the jurors have regarding the steps involved in the trial and what is expected of the jurors as the trial progresses. Jurors who understand what will be expected of them should be better able to focus on the information being provided to them during the trial.

\(^{31}\) See Note 1 supra, page 139-153.

It is also recommended that Administrative Unit 3 court managers develop an adapted version of *Behind Closed Doors: A Guide for Jury Deliberations* handbook for use in North Dakota. The American Judicature Society guideline includes answers to questions related to how to begin deliberating, the role of the presiding juror, how to get organized, when to take the first vote, how to get information from the judge, and who reads the verdict. The guide could be provided to the jury by bailiffs during the first court recess.

An alternative to adapting the Guide for Deliberations would be to include more information in jury instructions. The additional information ranges from clarification of the role of the jury leader to advice on how and when to vote. While juries appear to be able to select a jury leader and ultimately accomplish their charged duties by delivering a verdict, it is recommended that information on the role of the jury leader be explained prior to deliberations. This would reduce stress related to the process.

Recommendation 10: Increase public education through community outreach efforts.

Citizens are generally unaware of the importance of jury service and the court’s power to enforce the summons for jury duty. Potential jurors should benefit from education throughout the community. It is recommended that Administrative Unit 3 court clerks and court managers begin community education efforts by reaching out to employers and the business community. Information could be provided to American Government classes at high schools and colleges. These classes could be offered tours of the courthouse to increase interest. Community outreach could also include providing information to civic organizations.
Community outreach should reduce juror stress and the reluctance of citizens and jurors to serve on a jury. Recent examinations of the institution of the American jury trial suggest that juror stress is one factor contributing to the unwillingness of citizens to serve as jurors.\(^{32}\) Knowledge of the jury process will help to create a positive impression of jury service and the court system. Jurors in Administrative Unit 3 expressed positive impressions of the deliberations experience. Survey results showed that the impaneled jurors most frequently rated the jury service experience with a (5) where five represented the best experience, indicating that juror testimonials should be included in future public education efforts.

Public trust and confidence are paramount to court administration. All public administrators must be mindful of the public as they work to develop efficient and effective programs, while considering aspects of management, politics, and law. In addition, court administration requires a balance of management and legal principles to protect both citizens and employees while preserving the integrity and neutrality of the courts.

North Dakota sits on the forefront of jury reform as one of the first twelve states to adopt the ABA Standards Relating to Juror Use and Management,\(^{33}\) but one area which North Dakota has not thoroughly researched is juror orientation. Through proper education of and communication with jurors, court administrators can facilitate development of effective public policy which includes comprehensive procedures for planning and conducting jury trials in a manner that ensures courtesy and respect to jurors while protecting the rights of litigants.


\(^{33}\) See note 1 supra, page vi.
Appendix A – Orientation Memorandum

MEMORANDUM

Administrative Unit 3
South Central and Southwestern Judicial Districts

TO: Unit 3 Clerks of Court
FROM: Donna Fair
DATE: October 18, 2007
RE: Orientation Information

Please send a brief outline of the orientation information provided to potential jurors upon arrival at your courthouse.

I am trying to evaluate whether we are providing consistent information. Please let me know if the information is presented verbally, in video format, or if any handouts are utilized.

Please respond via email, fax, or regular mail.

Thank you.
Appendix B – Survey Memorandum

MEMORANDUM

Administrative Unit 3

South Central and Southwestern Judicial Districts

TO: Unit 3 Clerks of Court
FROM: Donna Fair
DATE: September 18, 2007
RE: Juror survey

As part of a research project for the National Center for State Courts, I am conducting a survey to assess juror’s understanding of their deliberation duties.

Please direct your bailiffs to distribute the attached survey to each impaneled juror for jury trials held between September 20, 2007 and October 20, 2007. The surveys should be distributed after jurors are released from duty by the judge at the close of deliberations. Advise the bailiffs not to coerce any juror to complete the survey.

Please return all completed surveys to me upon completion of each trial.

Thank you.
**Appendix C - Survey Instrument**

**Administrative Unit 3**
**Impaneled Juror Survey**

Thank you for agreeing to take this survey. Responses are ranked with 5 being best or most and 1 being worst or least. Estimated time to complete the survey is less than 5 minutes.

Circle the number:

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Somewhat agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I understood the instructions for deliberations.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood how to apply the law.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I knew how to select a jury leader.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Selecting a jury leader was easy.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood how to begin deliberating.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood what to deliberate about.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I was concerned about making a mistake.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Deliberation included input from all jurors.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood what information to include in deliberations.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood how to vote for a verdict.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I understood how to report the results of deliberations.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I knew how to resolve conflict with other jurors.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I knew how to continue discussion when deadlocked.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>I knew how to communicate with the judge.</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Overall experience rating (where 5 = best 1= worst)</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>
Appendix D – Summary of Survey Results

Mean and Modal responses for juror surveys.

<table>
<thead>
<tr>
<th>Description</th>
<th>Mean</th>
<th>Mode</th>
</tr>
</thead>
<tbody>
<tr>
<td>I understood the instructions for deliberations.</td>
<td>4.7</td>
<td>5</td>
</tr>
<tr>
<td>I understood how to apply the law.</td>
<td>4.6</td>
<td>5</td>
</tr>
<tr>
<td>I knew how to select a jury leader.</td>
<td>4.4</td>
<td>5</td>
</tr>
<tr>
<td>Selecting a jury leader was easy.</td>
<td>4.6</td>
<td>5</td>
</tr>
<tr>
<td>I understood how to begin deliberating.</td>
<td>4.2</td>
<td>5</td>
</tr>
<tr>
<td>I understood what to deliberate about.</td>
<td>4.5</td>
<td>5</td>
</tr>
<tr>
<td>I was concerned about making a mistake.</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>Deliberation included input from all jurors.</td>
<td>4.9</td>
<td>5</td>
</tr>
<tr>
<td>I understood what information to include in deliberations.</td>
<td>4.6</td>
<td>5</td>
</tr>
<tr>
<td>I understood how to vote for a verdict.</td>
<td>4.8</td>
<td>5</td>
</tr>
<tr>
<td>I understood how to report the results of deliberations.</td>
<td>4.6</td>
<td>5</td>
</tr>
<tr>
<td>I knew how to resolve conflict with other jurors.</td>
<td>4.3</td>
<td>5</td>
</tr>
<tr>
<td>I knew how to continue discussion when deadlocked.</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>I knew how to communicate with the judge.</td>
<td>4.3</td>
<td>5</td>
</tr>
<tr>
<td>Overall experience rating (where 5 = best, 1 = worst)</td>
<td>4.5</td>
<td>5</td>
</tr>
</tbody>
</table>
Appendix E – Survey Response Percentages

Number and percentage of juror responses to deliberation survey.

<table>
<thead>
<tr>
<th>respondents</th>
<th>Strongly Agree</th>
<th>Somewhat agree</th>
<th>Neutral</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I understood the instructions for deliberations.</td>
<td>72</td>
<td>17</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>75.8%</td>
<td>17.9%</td>
<td>4.2%</td>
<td>2.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood how to apply the law.</td>
<td>61</td>
<td>29</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>64.2%</td>
<td>30.5%</td>
<td>4.2%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I knew how to select a jury leader.</td>
<td>56</td>
<td>26</td>
<td>9</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>58.9%</td>
<td>27.4%</td>
<td>9.5%</td>
<td>4.2%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Selecting a jury leader was easy.</td>
<td>65</td>
<td>22</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>68.4%</td>
<td>23.2%</td>
<td>7.4%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood how to begin deliberating.</td>
<td>41</td>
<td>37</td>
<td>16</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>43.2%</td>
<td>38.9%</td>
<td>16.8%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood what to deliberate about.</td>
<td>55</td>
<td>34</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>57.9%</td>
<td>35.8%</td>
<td>5.3%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I was concerned about making a mistake.</td>
<td>28</td>
<td>21</td>
<td>17</td>
<td>7</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>29.5%</td>
<td>22.1%</td>
<td>17.9%</td>
<td>7.4%</td>
<td>23.2%</td>
</tr>
<tr>
<td>Deliberation included input from all jurors.</td>
<td>85</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>89.5%</td>
<td>8.4%</td>
<td>1.1%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood what information to include in deliberations.</td>
<td>62</td>
<td>26</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>65.3%</td>
<td>27.4%</td>
<td>6.3%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood how to vote for a verdict.</td>
<td>76</td>
<td>16</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>80.0%</td>
<td>16.8%</td>
<td>2.1%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I understood how to report the results of deliberations.</td>
<td>62</td>
<td>25</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>65.3%</td>
<td>26.3%</td>
<td>7.4%</td>
<td>1.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I knew how to resolve conflict with other jurors.</td>
<td>44</td>
<td>34</td>
<td>15</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>46.3%</td>
<td>35.8%</td>
<td>15.8%</td>
<td>2.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I knew how to continue discussion when deadlocked.</td>
<td>37</td>
<td>31</td>
<td>22</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>38.9%</td>
<td>32.6%</td>
<td>23.2%</td>
<td>4.2%</td>
<td>1.1%</td>
</tr>
<tr>
<td>I knew how to communicate with the judge.</td>
<td>53</td>
<td>24</td>
<td>15</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>55.8%</td>
<td>25.3%</td>
<td>15.8%</td>
<td>1.1%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Overall experience rating (where 5 = best; 1 = worst)</td>
<td>57</td>
<td>27</td>
<td>9</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>60.0%</td>
<td>28.4%</td>
<td>9.5%</td>
<td>2.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Appendix F – Proposed Information with Summons

Questions & Answers for those selected for jury service in a North Dakota court.

Why Me?
The court randomly selects from a “master list” of voters, motor vehicle licenses, and other sources.

What should I wear?
There is no strict dress code. Dress comfortably, but avoid extreme formal or ragged clothing.

What shall I expect when I get to the courthouse?
When you arrive, you will be asked to take a seat in a courtroom with the other jurors. After orientation, the judge will explain the process of voir dire or jury selection. Attorneys will ask questions of each potential juror to determine who will serve on the jury.

How long will this take?
The length of service is one day or one trial.

Do I get paid?
Yes. Jurors receive $25 for the first day and $50 for each additional day, plus 45¢ per mile.

For more information visit http://www.ndcourts.com/court/juror.htm
Appendix G – Proposed Exit Survey
Proposed Unit 3 Jury Service Exit Questionnaire

Your answers to the following questions will help to improve jury service. All responses are voluntary and confidential.

1. Have you ever served on a jury before?

2. How would you rate the following factors?  Good  Adequate  Poor
   a. Orientation
   b. Parking facilities
   c. Scheduling
   d. Treatment by court personnel
   e. Physical comforts
   f. Personal safety

3. Are you concerned about personal information being made public?

4. Did jury service create a hardship for you?

5. Did you lose income as a result of jury service?

6. Age:  18 – 24 _____
        25-34 _____
        35-44 _____
        45-54 _____
        55-64 _____
        65-over _____

7. Sex:  Male _____
        Female _____

8. Did you have problems seeing or hearing the proceedings?

Comments and suggestions:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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VIII. BIBLIOGRAPHY


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Iverson, Chris. “Survey Responses.” E-mail to Donna Fair. 13 July 2007.


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