

Jury Management Seminar

October 24, 2017
Michigan Hall of Justice, Lansing, Michigan

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JURY MANAGEMENT: The New Performance Measure

October 24, 2017



Purpose – What We Will Cover Today

- Jury Management as a Performance Measure
 - A brief refresher
 - What SCAO will be measuring in 2018 and why
- Trend Data
- Data Errors
- Best Practices



Jury Management Performance Measure

Purpose: To measure whether a court is maximizing the use of citizens in the jury process and minimizing the number of unused prospective jurors.



Jury Management as a Performance Measure – Why?

- Courts have an obligation to respect the time of jurors
- Courts have an obligation to spend taxpayer money wisely
- Courts have a duty to manage all operations efficiently and effectively.



First a Brief Refresher



One Step and Two Step

- One step courts send qualification questionnaires and summons at the same time.
- Two step courts send qualification questionnaires and then summons those qualified and able to serve as needed.



Yield and Utilization

- Yield
 - potential jurors qualified and able to serve as a percentage of jurors sent questionnaires
- Utilization
 - Number of jurors summoned
 - Number told to report
 - Number that reported
 - Number sent to a courtroom
 - Number questioned in voir dire



The First Year

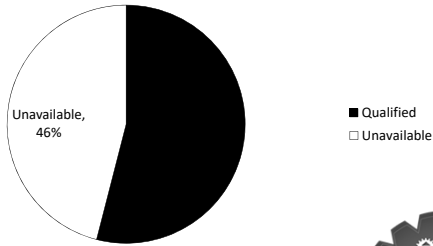


What was Required

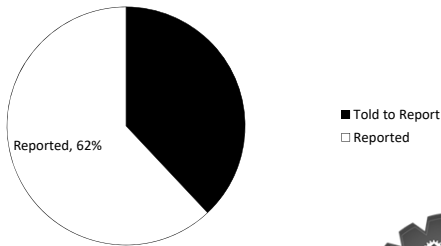
- Yield
- Utilization
 - Number of jurors summoned
 - Number of jurors told to report
 - Number of jurors that reported



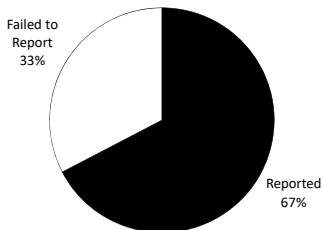
Preliminary Statewide Yield Data



Preliminary Statewide Average County Utilization Data



67% actually reported



- In 2016, 212,412 were told to report.
 - 143,097 actually reported.
 - 69,315 failed to report.

Second, What We Learned



Trend Data

- Courts send more questionnaires than necessary for the number of qualified jurors needed in the county.
- Courts summons more jurors than necessary.
- Courts send more jurors to the courtroom than necessary to seat a jury.



Data Errors

- Some courts that have all jurors report to the courtroom have counted them as “sent to the courtroom,” when in fact they were not sent to the courtroom for voir dire.
- Some one step courts were confused about reporting utilization because many of the jurors they summoned were not qualified or able to serve.



Third, What Data is Required for 2018 and Why



New Data Elements that Must be Reported

- Number of jurors sent to a courtroom.
 - These are jurors sent to a courtroom for a specific case for voir dire.
- Number of jurors questioned in voir dire.
 - These are jurors selected and placed in the jury box for questioning by the attorney and/or judge.



What is the Purpose of Collecting this Data?

- Is the court having more people report for jury duty than necessary?
- Are panel sizes greater than necessary to draw a jury for a given case.



Game: How Much do you Know About
Jury Management

Best Practices

**What Can Courts Do to Increase the
Efficiency of Their Jury Management
System and Make Jury Service Less of
a Burden on Citizens?**



**Quick Review of Key Factors in Your
Court**

- Number of jury trials your court typically has
- One step or two step process for qualifying and summoning jurors
- Terms of service
- Panel sizes the judge or judges in your court require for various case types
- Scheduling practices



Obstacles to Improvement

- The court's leadership (judges and/or court administrators) are not committed to improving the system. They believe that it is working well for them.
- Citizens sent questionnaires are not returning them so the court is forced to send an excessive amount.



Blueprint for Improvement

- Jury topics should be considered by the highest level of leadership
- Maximize juror yield – How?
- Jury Utilization – How?
- Establish a Committee to Implement Change
- Ongoing Evaluation and Improvement



Jury Management resources

- [Jury Management](#) chapter of the Court Administrators Reference Guide
- [Jury Manager's Manual](#) (1996). Office of the State Courts Administrator. Tallahassee, FL
- [Jury Managers' Toolbox](#). National Center for State Courts and State Justice Institute.
- [Jury Trial Innovations](#), Chapter 2 – Jury Administration and Management. National Center for State Courts
- [Effective Use of Jurors](#) (2011). National Center for State Courts.
- [Tripping Over Our Own Feet: Two Steps Are One Too Many in Jury Operations](#) (2010). Paula L. Hannaford-Agor and Nicole L. Waters



Questions and Comments

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Jury Management Best Practices

DRAFT



Executive Summary

The purpose of this manual is to assist courts in maximizing the efficiency and effectiveness of their jury operations while minimizing cost and inconvenience to the public. The best practices contained here-in will help courts consider their own operations through multiple lenses with the goal of producing the most effective operation for the court's unique needs.

Jury yield and utilization statistics became trial court performance measure in 2017, and will be fully implemented by spring, 2018. This manual will provide courts with important tips and practices which will serve to improve this performance measure while maintaining the constitutional role of the jury within the judiciary.

It is important to note that courts across the state are widely varied and that there is no "one size fits all" solution for jury practices. The largest courts may maximize their efficiency by following entirely different practices than the smallest courts, and circuit and district courts have differing responsibilities relating to jury management.

Introduction

Juries have been seen as an important defense against tyranny since the days of the Magna Carta. That role carried the jury into the US Constitution as well as the Michigan Constitution. Over the past 225 years legislative bodies and courts have gradually developed a large volume of statutes, court rules and administrative practices relating to jury management. The profession of jury management is sometimes overlooked despite its significant cost and role as a point of contact between a court and the population it serves. Even today many topics like minority representation and jury nullification make the occasional headline while little attention is paid to the art and science of jury management.

In 2015, 1.6% (5 per 300) of all circuit level cases in Michigan required the use of a jury. At the district level, only .07% (7 per 10,000) of cases ended in a jury verdict. Despite this extraordinarily low rate of use, hundreds of thousands of citizens are summoned for service across the state annually. Those jurors who report for service cost trial courts across the state an average of almost \$6.4 million per year. Additional costs associated with jury include document production, mailing, staffing hours, lost wages for jurors and diminished output for local employers.

According to the National Center for State Courts (NCSC), "a well-run jury system is one that achieves four key objectives:

1. Secures an adequate number of prospective jurors from which to select juries;
2. Ensures that the jury pool reflects a fair cross section of the community;

3. Manages court resources, including jurors' time and talents efficiently; and
4. Treats jurors with dignity and respect.”¹

A well run jury system founded on the principles outlined in this manual will minimize cost and reduce the impact of jury service on citizens, while meeting the court's needs and insulating dispositions against appellate action.

Best Practice #1: Jury Administration as a Field

Jury Administration is a complex element of court operations with both community interaction and legal process sides. Courts should provide an avenue by which jury topics can be considered at the highest levels of leadership. Many courts assign jury activities to a line-staffer, and while many of the day-to-day duties associated with jury processes can be handled at that level, managers and court leaders should take an interest as well.

Jury Administration as a Community Interaction

No other element of court procedure has the ability to connect directly with a considerable portion of the community like jury service. Courts contact hundreds or thousands of citizens annually, and a well-run jury operation reflects well on the court. Prioritizing citizens procedurally as well as in their role as consumers of court services requires considerable assistance from court management. For example, jurors may routinely struggle with parking challenges, wait times, or building restrictions (electronic devices, food/drink, etc.). While a well-trained jury clerk can de-escalate these complaints, long term solutions (off-site parking, judicial prioritization of the juror's time, or the creation of a Wi-Fi hotspot) likely require the backing of court leadership.

Jury Administration as a Procedural Challenge

In addition to the ability to improve the court's standing with the community, a well-run jury system is critical to preserving jury verdicts, especially in light of ongoing challenges based on the cross section of the jury pool. In addition to Michigan law, a number of best practices and court precedents inform jury policy. Only someone with a thorough understanding of these elements can truly audit jury operations and maintain an understanding of changes. Most cases which are overturned on cross-section grounds come as a result of human error or local practice. For example, a technical error while updating the source list can cause certain jurors to be underrepresented, and the only way to assure this does not happen is to conduct an ongoing audit of records.

¹ Hannaford-Agor, Paula, *An Overview of Contemporary Jury System Management*, NCSC Center for Jury Studies, May, 2011

The Michigan State Court Administrative Office (SCAO) introduced a jury performance measure in 2016, and while the data collected in this process informs efforts to maximize efficiency, it is only a portion of jury management as a profession. Because of the number of stakeholders to jury processes within a community and the potential legal issues presented by a non-compliant system, it is important that jury operations be treated like any other administrative priority in courts across the state. To begin this process, the court's jury staff and senior leadership should review MCL 600.1300-1376 with the following considerations in mind:

Are there any areas that seem foreign?

How are you complying with all required statutes?

Who has the knowledge/authority to resolve questions in this arena?

Best Practice #2: Maximize Jury Yield

“Jury yield” is a measure used to describe the percentage of prospective jurors available to the court as a percentage of jurors contacted. It is only measured at the Circuit level since those are the only courts engaged in the qualification process in Michigan. If a court issues 100 questionnaires for a given term of service, and 60 of those individuals are deemed “qualified” to serve, that represents a yield rate of 60%. The jury yield data collected for 2016 shows a statewide average of 54.3%, and most courts are likely to finish between 45 and 65% with some of that variability attributable to local demographics.

Improving yield rate can lead to significant cost savings and reductions in the number of citizens contacted for service. However, not all causes of yield are within the court's control. For example, communities with a high volume of long-term residents tend to outperform areas with highly transient populations or circuits with a high volume of older residents may post much lower yield rates during the winter months when citizens reside in Florida or Arizona. Beyond these basic demographic realities, there are four areas in which local practices can have significant impacts on yield.

One-Step v. Two-Step Processes

Circuit courts are tasked with the qualification of jurors for all of Michigan's trial courts. All elements of the jury process originate from the Chief Judge of the Circuit Court, including meetings of the County Jury Board and estimates of the number of jurors needed each year. Some courts delegate these duties to the Clerk of the Court while others handle the process through court administration. The qualification and summons process falls into one of two nationally recognized categories, regardless of which area of the Court handles the process.

Two-step courts have been the traditional model for several decades and continue to operate in many circuits in Michigan. In a two-step model, a random sampling of citizens is required to complete a qualification questionnaire. Those questionnaires are then reviewed by the local Jury Board or court to determine if each individual is qualified to serve as a juror. People deemed eligible for service are placed on a second list from which they may be summoned for a specific court and/or term at some later time. This process can be labor intensive, and is somewhat costly since all summoned jurors receive at least two mailings from the court. Two-step processes also tend to diminish yield rates since jurors are generally given extended timelines and multiple opportunities to become ineligible. For example, a juror may be eligible when completing a questionnaire in April, but may relocate or otherwise become ineligible if they are summoned to serve in October.

In a two-step system, yield is defined as:

$$\text{Jury Yield} = \left[\frac{\# \text{ jurors qualified for service}}{\# \text{ qualification questionnaires mailed}} \right] \times \left[\frac{\# \text{ of qualified jurors available for service}}{\# \text{ jury summonses mailed}} \right] \times 100$$

****Note: Despite their flaws in terms of efficiency and cost, two-step systems may be the best choice for certain circuits across the state, especially small court systems with unpredictable trial schedules. For example, some small circuits only need around 500 jurors per year, but cannot predict when jurors will be needed. In that case, it may make more sense to produce a list of qualified jurors and then summons from it when trials are scheduled.*

One-step courts have grown significantly over the past two decades and today comprise more than 50% of the jury systems in the United States. In these systems, courts randomly select citizens and then send them a combined questionnaire and summons for jury service. This system allows courts to qualify jurors for a specific court and term in a single step rather than issuing a second mailing. This process is less costly and generally less labor-intensive than the two-step model, and provides for a much more compressed timeline. In many one-step systems jurors are contacted 3-6 weeks ahead of service instead of a questionnaire preceding service by several months in a two-step process.

In a one-step system, yield is defined as:

$$\text{Jury Yield} = \left[\frac{\# \text{ qualified and available for service}}{\# \text{ of summonses mailed}} \right] \times 100$$

****Note: One-step models are particularly effective in large courts where jurors are available most weeks throughout the year, or extremely small courts where jurors can be contacted on a case-by-case basis.*

Disqualification and Exemptions from Service

Disqualifications are defined as legal reasons that a juror **may not** serve as a juror by law.

Exemptions are defined as legally protected reasons to opt out of service.

The full list of causes for disqualification and exemption from service are included in MCL 600.1307a and apply to every location in the state.

A juror must be a citizen of the United States who is over the age of 18 and a resident of the county or district in which the individual is assigned to serve. Jurors must be able to communicate in the English language, be physically and mentally able to carry out the functions of a juror, not have served within the past 12 months and have no past felony convictions. If a prospective juror fails to meet any of these qualifications, they are disqualified and may not serve as a juror.

Jurors who are over the age of 70; or jurors who are currently a nursing mother may be exempt and of service. If a juror requests exemption under one of these legally protected grounds and is able to prove that status, they are automatically ineligible for service.

Courts are somewhat limited in their ability to prevent disqualifications or exemptions since courts have no discretion over these causes. However, courts or jury boards can adjust the effort they put into investigating these claims which can then impact yield. For example, many jurors do not know the difference between a civil infraction, a misdemeanor and a felony. Some jurors may simply check “yes” to a past felony conviction as a result of any past conviction. Courts that require proof of requests for disqualification or exemption are likely to see some improvement in yield.

****Note: As courts consider their local practices around investigating requests for disqualification and excusal, there are two countervailing interests at play. It is true that requiring proof of all such requests would maximize yield, but it may not be practicable, especially in large counties where staff could spend a huge volume of time trying to collect this information from hundreds or thousands of individuals. It is also true that some of these causes can be very difficult to verify without personal contact with the individual.*

Excusals from Service

Excusals are defined as the non-specified and discretionary reasons for dismissal from service which can be authorized by the court.

Excusals are allowed by MCL 600.1320, and are solely at the discretion of the court. Unlike disqualifications and exemptions, there is no delineation of causes for excusal from service. The statute states a juror may be excused, “when it appears that the interests of the public or of the prospective juror will be materially injured by his or her attendance or the health of the juror or

that of a member of his or her family requires his or her absence from court.” Needless to say, this language provides ample room for interpretation and local practices vary to some degree across the state. For example, some courts may excuse jurors who lack transportation or face financial hardship while others require that the same requests serve as scheduled.

These slight differences in interpretation can result in differences in yield rate from court to court.

Courts that wish to minimize the use of excusals from service may choose to reschedule or defer jurors to a term which works better for them. For example, someone undergoing a medical procedure may be willing and able to serve in a subsequent term instead of being dismissed from their duties entirely. Local practices in the use of deferrals can vary significantly, but should be documented in the event of an appeal or other challenge to the selection process.

****Note: Courts should be particularly cautious about exercising wide-spread excusals based upon hardship since the practice can inadvertently lead to the underrepresentation of groups in the jury array. If any authority to excuse jurors is handed down to clerical staff or other members of the organization, the Chief Judge should document such authority.*

Undeliverable and Non-Responded Jurors

Undeliverable jurors are those who cannot be contacted by the court, and for whom the United States Postal Service (USPS) returns mail marked undeliverable or unable to forward.

Non-Responded jurors are those individuals who have not responded to the questionnaire.

Every court in the country sees some percentage of the pool come back undeliverable or has jurors fail to respond to the questionnaire. There are multiple causes for this, and the court’s efforts to address them can have a significant impact on yield rates. According to the United States Census Bureau, approximately 12% of the U.S. population moves during any given year², meaning almost 1 out of every 8 jurors contacted by the jury office may have a different address than what was originally included on the source list. There are three commonly utilized methods of reducing the volume of unanswered questionnaires, and therefore increasing yield.

The most effective method of improving yield is through additional efforts to contact non-responding jurors. If a juror has not responded within 3 weeks of the original questionnaire distribution, courts may choose to send an additional mailing to the same address. This is often sent in the form of a reminder letter or duplicate questionnaire, and can increase response rates by 25% or more compared with courts that issue only a single mailing.

Most modern jury management software solutions include use of the National Change of Address (NCOA) database as maintained by the U.S. Postal Service (USPS). Courts that do not

² U.S. Mover Rate Remains Stable at About 12 Percent Since 2008, U.S. Census Bureau, March, 2015

utilize software solutions for jury management can still subscribe to NCOA services through independent companies. The NCOA process can update as many as 10% of the addresses in any given mailing and significantly improve response and yield rates.

The third solution is enforcement of non-response in the form of show cause or contempt hearings for non-responded jurors. This process is useful in reminding citizens of the importance of the civic obligation, but can also be extremely time consuming, especially in large courts with high juror counts. It is important to keep in mind that some percentage of the population fails to respond for completely viable reasons such as long term travel, physical or mental disability, or death.

Best Practice #3: Jury Utilization

While jury yield measures a community's ability to raise a jury and the number of people who must be contacted to that end, jury utilization measures how efficiently the court uses those individuals. Utilization consists of three calculations which are multiplied together to establish an overall utilization rate. These rates can vary considerably depending on the size and type of court and the administrative controls in place.

The first component of utilization is the number of individuals called to the courthouse for service in comparison to the number of jurors available for a given term of service. For example, if a court has 200 jurors available for a certain term of service, but only 100 of them are actually called to the courthouse for service that would result in a 50% rate in the first component.

The second component is calculated as the number of jurors sent to courtrooms as a percentage of those who appeared. In continuing with the example above, if 100 jurors appeared in the courthouse and only 60 are sent to the courtroom that would be a 60% rate for the second component.

The third component requires examination of the voir dire process within the courtroom and is a calculation of the jurors actively involved in the selection process. In this element of utilization, any juror who passes through the box, or is seated on the trial is deemed 'utilized.' For example, if a trial seats 14 jurors, but an additional 26 are released as a result of challenges, then a total of 40 were actively involved. With 60 jurors sent to the courtroom and 40 actively involved, the final component would register at 66%.

The above examples would result in the following total calculation:

$$(Part\ 1\ @\ 50\%) \times (Part\ 2\ @\ 60\%) \times (Part\ 3\ @\ 66\%) = 19.8\% \text{ Overall Utilization}$$

It is important to note that overall utilization rates may vary radically depending on the characteristics and practices of the local court. That variability does not diminish the value of an

intentional study of utilization since an optimized system can save significant cost and effort. There are a number of widely recognized methods of improving jury utilization, and it is often easier to address them in reverse order (3-2-1) since the calculations build on one another.

Part 3 Strategies

The final leg of jury utilization is the measure of juror use within the courtroom. The variables in this equation are numerous, but a basic study of this process often reveals that courts/judges overestimate the number of jurors needed to select a jury. For example, a court may request 40-50 jurors to seat a standard felony, and seldom use more than 25-30 of those individuals during selection. While the remaining balance provides some comfort in the event of a shortage, they also cost several hundred additional dollars and staff time dedicated to the maintenance of these additional individuals.

Courts should be in the habit of tracking Part 3 on a longitudinal basis and then using that data to assess counts based on case type or other influencing factors. Maintaining this data will allow the jury office to demonstrate to judges that reductions can be made in the number of people sent to the courtroom.

Another common part 3 strategy is 'jury pooling,' but it is somewhat limited to larger courts or courts conducting multiple selections on the same day. If two judges each want 45 jurors to start trials on the same day, it is possible to serve both trials with a smaller number than 90 jurors. If the jury office prepares to send 35 jurors to each courtroom, with the possibility of 'recycling' jurors if one courtroom or the other runs out, the court could save hundreds of dollars by calling 20 fewer individuals.

Part 2 Strategies

Once a court has a solid grasp on the number of jurors courtrooms actually need, the next step is to assure that as many attending jurors as possible move along to the courtroom. In some courts, a large group of jurors are called for selection even while last second negotiations are being conducted between the parties. This process can lead to a large number of jurors being paid for attendance without entering the selection process.

The most common solution to this issue is a plea cut-off date, in which the court requires that all negotiations conclude a set number of days or weeks ahead of trial. For example, a court may inform parties that the final date for a reduced charge is the final status conference ahead of trial, and that any plea inside of that window must be as charged. Resolving as many cases as possible ahead of the trial date increases trial certainty and reduces the number of wasted jurors on selection mornings.

Part 1 Strategies

Once the court has determined the number of jurors needed for a particular case type and maximized the likelihood of cases going to trial, the final step is controlling the number of jurors available. The court has two tools to use in this effort; term of service and juror count. The first piece of data necessary to making informed decisions in this arena is trial count; how many jury trials does the particular court handle per year. It is important to consider a multi-year sample size since many courts can see trial volumes swing noticeably from year to year.

Once the court is aware of trial volume, the next step is to consider term of service, scheduling controls and pool size in order to maximize efficiency and minimize the number of citizens who are needless inconvenienced. For example, a court that averages 1 trial per week might be well served to use a weekly term of service and schedule enough jurors to handle 2 trials during that period. Critical to this practice is the understanding that if a third trial is scheduled it may have to be adjourned to another time.

This portion of utilization is entirely a matter of local practice and risk tolerance. Courts have a tendency to error on the high side of the number of jurors that will actually be used. Real data in terms of jury trial counts and case types is critical to maximizing Part 1 utilization.

Best Practice #4: Define Stakeholder Wants and Needs

Every jury system has 5 areas with a significant interest in operations: judges, citizens, attorneys, jury staff and the budget office or funding unit. Each party is likely to have different wants and needs in regards to jury operations, and it is important for jury leaders to recognize the validity of each entity's claims.

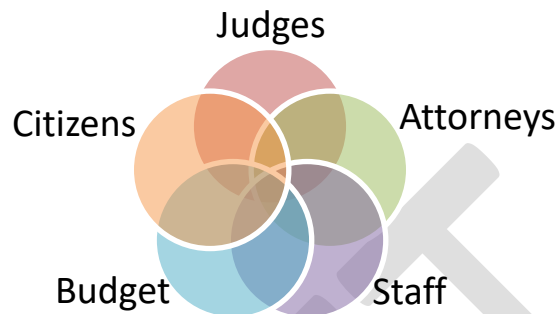
It is important to see the interests of each group as a series of wants and needs with the needs of each group taking priority over the wants of another. A system built to meet every wish of the judiciary can inconvenience citizens and stress jury staff, while a system built entirely around saving money can leave the court unprepared for large cases or staff turnover.

Here is an example of some judicial interests as broken into wants and needs:

Judicial Needs	Judicial Wants
Sufficient # of jurors to conduct trials	Scheduling flexibility
Only qualified jurors present in the courtroom	Additional jurors 'just to be safe'
Fair cross section to prevent appeals	Juror lists days in advance of trial
Reasonable time to resolve cases	Opportunity to engage with voters

Once these lists have been completed for all five areas, the next step is to make sure all needs are being met by jury operations. Are sufficient resources available to meet these needs? Once needs are met, the next step is to prioritize wants. It may be helpful to see this process as a Venn diagram with the needs of each group nearer the center and the respective wants nearer the

outside of the diagram. Once all needs are met, additional resources should be utilized on those processes which benefit the most parties.



This process will help point out wasteful practices, and provide a somewhat objective perspective on jury operations. Examining current practices and focusing resources on the needs of each group is critical to maximizing jury operations and safeguarding verdicts against appellate review.

Best Practice #5: Establish a Committee to Implement Changes

Once the court has a grasp of their yield and utilization realities and the needs and wants of stakeholder groups, a committee approach should be used to determine what changes can or should be implemented. It can be difficult to fully understand the interests of all parties to local jury practices, and affording each of these groups an opportunity to voice opinions can be most beneficial in charting a path forward. Making changes without the input of these groups is almost certain to result in some combination of confusion and frustration.

This list is not comprehensive, but is a good starting point in building such a committee:

Circuit Court Chief Judge

Additional Circuit Judges

Jury Board and/or County Clerk

Judicial Representatives from local District and Probate Courts

Court Administration

Prosecuting Attorney and/or Assign

Defense Counsel Representative

Jury Staff

Past Jurors/Members of the Public

It is important that all of these parties be present to voice opinions in regards to potential changes. While final decisions will be made by the judiciary/court administration, bringing all parties to the table up front helps garner support. The members of the committee should be seen both as members of the decision team and representatives of their particular stakeholder group. Members should be encouraged to meet with their peers and bring as many opinions as possible to the committee.

The larger change committee should be gathered at least twice. The first meeting is to introduce yield and utilization data, as well as receive comments regarding the wants and needs of each party. It is unlikely that the full committee will be available for an ongoing working process, but certain representatives may be willing to serve on a smaller work group that reports to the Chief Judge on potential solutions. The full committee should be assembled again to introduce changes and provide another opportunity for comment once a path forward becomes clear.

Best Practice #6: Ongoing Evaluation and Improvement

It is important for courts to develop a method of evaluation and improvement in respect to jury operations. MCL 600.1301(b) requires that the largest courts develop a plan for jury selection which reduces the inconvenience to citizens, broadens participation, and increases efficiency. While the statute only applies to circuits with a population over 250,000, it serves as a good starting point for jury operations regardless of court size. It is important that courts recognize jury management as an ongoing task which requires oversight and interest at the highest levels of the organization.

There are 3 elements of jury operations which should be reviewed routinely and which require ongoing consideration by court leadership:

1. Awareness of State and Federal standards for jury operations.

Empowering a long term member of the bench or senior management to become an expert in these areas assures the compliance of trial operations over the long term.

2. Regular attention to local demographics and jury representation.

Cross section and representation claims can be an ongoing problem for nearly any court, especially absent the research and information necessary to confidently respond to such

inquiries. Analyzing census and source list data and honestly assessing problems will allow courts to identify weaknesses and seek best solutions.

3. Understanding new technologies and the gains they may offer.

As courts utilize new solutions to interact with the community and improve efficiency, jury practice should not be overlooked as a place for change. Even simple changes like moving towards e-mail correspondence can save courts hundreds or thousands of dollars in standard postage. Juror texting, websites and even social media solutions can aid in informing and interacting with jurors at little to no cost to the court. Electronic payments or tablet-based attendance procedures can also save significant time and effort if available and utilized to full effect.

There are a number of vendors offering software solutions which are designed specifically for the purpose of maximizing jury management efficacy. Some of these systems include comprehensive juror interaction platforms (websites, text, e-mail, IVR phone systems, etc.), while less sophisticated solutions aim primarily at accountability and transparency to protect against appeals.

****Note: Software solutions may not be a viable expense for smaller circuits that conduct very few trials per year. However, it is possible for these solutions to be contracted across multiple counties to help mitigate operating costs. For example, Berrien County is currently hosting Cass, Otsego, St. Joseph and Van Buren Counties on a single installation.*

Conclusion:

Jury Administration is a complex and occasionally overlooked element of court operations. It requires that leaders combine legal, financial and public relations factors into a recipe which maximizes return on investment while assuring a critical right to citizens. While it is possible for nearly any jury office to provide the exact number of jurors needed for trials, it is important that courts remember the many impacts of that process.

Are the safeguards in place to assure that the jury array will hold up under appellate scrutiny?

Do local practices result in unnecessary spending that could be allocated to other objectives?

Can the burden on citizens be reduced by maximizing efficiency in operations?

It is important that courts across the state engage in a serious and ongoing evaluation of jury practices in order to achieve the best possible results across these topics. A well-run jury system will meet the needs of all stakeholders while achieving many wants as well. Even the best systems may occasionally encounter a procedural snag, but maintaining the jury management as a topic of interest for court leadership assures the best possible outcomes for every stakeholder.

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October 24, 2017
Michigan Hall of Justice, Lansing, Michigan

Frequently Asked Questions



Q. What is JSR?

A. The JSR is the annual Jury Statistics Report and application.

Q. When is the annual report due?

A. Courts must submit the report during March for the previous calendar year. The annual reporting deadline is March 31.

Q. What are the two sections of this report?

A. The **juror yield section** is related to the number of juror questionnaires sent and returned and the number of jurors qualified and able to serve. The **juror utilization section** is related to the number of jurors summoned and used by the court.

Q. What is juror yield?

A. Juror yield is the number of potential jurors who are qualified and able to serve as a percentage of juror qualification questionnaires sent.

Q. What should be reported in the juror yield section of the report?

A. The juror yield section should include the number of juror qualification questionnaires sent in the previous calendar year, the number of these questionnaires that were returned, and the number of these jurors who were qualified and able to serve.

Q. Which court submits the juror yield numbers?

A. The circuit court shall report juror yield numbers by county for all courts in the county. The probate and district courts will not report juror yield numbers.

Q. Our court did not summon any jurors or hold any trials during the year. Does my court still have to submit a report?

A. Yes.

Q. What is juror utilization?

A. Juror utilization consists of three separate components. They are:

1. The percent of jurors summoned that were told to report.
2. The percent of jurors told to report that were sent to a courtroom.
3. The percent of jurors sent to a courtroom that were either seated on a jury or questioned in voir dire.

Q. Which court submits the juror utilization numbers?

A. Each court shall report juror utilization numbers by court jurisdiction. The probate and district courts may need to contact the circuit court to obtain the number of jurors summoned or directed to report.

Q. My court shares a juror pool with another court, so I cannot determine how many jurors were summoned to my court separately from the other court. How do I submit my report?

A. If the juror pool is shared, the circuit court shall submit juror utilization numbers in aggregate for all courts that share the pool. The circuit court may need to contact the other courts to obtain information on the number of jurors sent to a courtroom or questioned in voir dire.

Q. The circuit court submitted the juror utilization numbers for my court because we share a juror pool. Do I still need to report something through the JSR application?

A. Yes, you should check the box to indicate that your court's juror utilization numbers were provided with the circuit court's numbers. Also, the circuit court should check the box to indicate that the juror utilization numbers include data for other courts.

Q. One of the jurors was sent to two different courtrooms during the same day. How do I report this?

A. In this situation, the juror should be counted only once in the field "sent to a courtroom."

Q. One of the jurors was questioned in voir dire in two different courtrooms. How do I report this?

A. In this situation, the juror should be counted only once in the field "questioned in voir dire."

Q. The juror's term of service starts in December 2016 and ends in January 2017. Do I report this juror with the 2016 report or the 2017 report?

A. Report the yield for this juror with the 2016 report because they were qualified in 2016. Report the utilization data in the 2017 report, because the juror's service extended into 2017. The instructions for utilization state, "If a juror's term of service overlaps two calendar years, the juror utilization data is to be reported in the latter year."

Q. Can the data be uploaded from my case management system?

A. No, the application will not permit data to be uploaded.

Q. Our courthouse does not have a jury assembly room. Jurors who report for duty are sent directly to a courtroom to wait. Should we count these individuals in the category for "Jurors Sent to a Courtroom"?

A. Not necessarily. A juror who was sent directly to a courtroom to report but was dismissed because the case settled should NOT be counted in this category. If a case was called and that juror was part of a group of jurors in the courtroom for voir dire in that case, then they should be counted in this category.

Q. Jurors in our court can be summoned to appear on different dates more than once during their term of service. Should I count a juror each time he or she was summoned to the court?

A. No. Count each juror only once, even if they are summoned multiple times during a term of service. Courts that have lengthy terms of service (one month or more) and direct jurors to report more than once during their term should consider reducing the term of service and establishing a policy that states if a juror has reported for service – even if not selected for a jury – their service is complete.

Q. If we mail the qualification questionnaire in December of 2016 and it is returned in January 2017, how is this reported?

A. For the Juror Yield portion of the JSR, which is submitted by the circuit court, count that questionnaire with the 2016 data. For the Juror Utilization portion, count that juror with the 2017 data.

Q. In the Juror Yield section of the JSR, it states that the circuit court will report the "Jurors Qualified and Able to Serve." It directs the court to exclude jurors deferred to another term or who were granted an excusal. This can be done relatively easily for circuit court jurors. However, our district courts use a two-step process. We qualify jurors and then the district court summons them with a date. Sometimes the district court grants deferrals and excusals if necessary based on their own guidelines. In order for the circuit court to calculate the "able to serve" number, would the district court need to send us the number of jurors they granted deferrals and any excusals?

A. No. The circuit court should report the number that they deemed qualified and available to serve.

Q. Under juror utilization, do I include potential jurors who were summoned but not qualified or available to serve?

A. No. They must be both qualified and available to serve. For example, if your circuit court uses a one-step process, you would not count jurors that were summoned but not qualified or available to serve. If your district court excuses or defers juror that were previously qualified after summoning them, they should be excluded from the juror utilization report.

Q. Our jurors are summoned only once for a three month term. They are then told to call the court every Friday for that period to learn whether they must report on Monday morning. How should I count them in the utilization portion if they are told to report more than once?

A. If a juror is summoned for a term and told to report more than once during that term regardless of the length of the term, they should be counted only once. For example juror X is summoned for week term in which trial can occur on more than one day and a juror can serve on more than one trial. Juror X is told to report two separate days for two separate trials. The number for the summons section should be 1 and told to report also 1, even though the juror reported twice. If the juror is selected for a trial for one of the cases but not even sent to a courtroom for the other time they reported, they would be counted as sent to a courtroom and questioned in voir dire.



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