



Jury News

BY PAULA HANNAFORD-AGOR

“Neither snow, nor rain, not heat, nor gloom of night stays **these couriers** from the **swift completion** of their appointed rounds”

The informal motto of the U.S. Postal Service is to deliver the mail promptly and consistently regardless of the weather, but inaccurate, incomplete, and invalid addresses seems to defeat them every time. How else can we possibly explain the numbers of jury summonses and qualification questionnaires that are returned marked “undeliverable as addressed” each year? Nationally, an average of 12 percent of jury summonses are returned to courts as “undeliverables,” the single largest factor contributing to decreased jury yields.¹ In most instances, the summons was returned because the person moved to a new address since the master jury list was last created or updated. In other instances, the juror’s address may be incorrect from the source list, or the U.S. Postal Service may have returned the mailing in error. While it may not be possible to eliminate undeliverable rates completely, courts can take steps to greatly reduce them.

Create/Update the Master Jury List at Least Annually

According to the U.S. Census Bureau, 16 percent of the U.S. population moved to a new house in 2008. Migration rates ranged from a low of 11 percent in New Jersey to a high of 23 percent in Alaska. Individual counties within states show even greater variations. So where are these folks coming from? Approximately 9 percent moved from a different house within the same county, 3 percent from a different county within the same state, 2 percent from a different state, and less than 1 percent from abroad.² Based on these figures, a

court that began the year with a perfectly accurate master jury list annually could expect an undeliverable rate of up to 16 percent by the end of the year just due to local migration rates. The process of creating the master jury list typically takes one to three months, so some records will be out-of-date even before the court begins summoning and qualifying from a new list. For this reason, the National Center for State Courts (NCSC) recommends that courts create a new master jury list, or update their existing list, at least annually. Courts that are located in states or metropolitan areas with higher than average migration rates should consider creating or updating their master jury lists even more frequently (e.g., semi-annually or quarterly) if feasible.

Obtain Only “Active” Records from Source List Agencies

Of course, very few courts begin with a perfectly accurate master jury list due to inaccurate addresses on the original source lists used to compile the master jury list. One way to improve the accuracy of records on the source lists is to request that the administrative agencies prescreen the list to ensure that only “active” records are sent to the court, rather than all records from their respective databases. For example, the most plausible reason that a person would fail to renew a driver’s license is that he has moved out of state and turned over his old driver’s license to obtain a license in the new state. Although most states have reciprocity agreements that require their state department of motor vehicles (DMV)

agency to inform each other when a person transfers a driver's license, these are usually done on a batch basis only once or twice per year. Similarly, federal election law prohibits the state voter registrars from purging voters from the state voter registration list unless they receive documentation that a voter has registered to vote in a new state, has died, or has otherwise become ineligible to vote in that state. But most states have legislatively defined criteria to differentiate "active" from "inactive" voters (e.g., persons who have not voted in four or more consecutive general elections) and may require "inactive" voters to show positive identification or sign an affidavit before being permitted to vote. In either case, including "inactive" records on the master jury list increases the number of inaccurate or "stale" records, resulting in significantly higher undeliverable rates. A request that these agencies send only "active" records can prevent this from occurring.

When Removing Duplicate Records, Retain Records from the Most Reliable Source List

The accuracy of the "active" address records from the source lists is critical. Courts typically have no authority to mandate how the administrative agencies (e.g., DMV, state voter registrar, etc.) maintain their records, and many courts complain about the quality of those records. If the court uses multiple source lists to create its master jury list, try to identify which list(s) have the highest undeliverable rate. Determine the proportion of undeliverable questionnaires or summonses based on the source list from which they originally came. The D.C. Superior Court conducted such an analysis in 2006, for example, and found that the undeliverable rate for records from the D.C. tax and revenue list was 14 percent compared to 43 percent for the master jury list overall. Ostensibly, the tax files were maintained annually as compared to the lists of licensed drivers and registered voters, which were maintained less frequently.³ If such an examination reveals that one or more source lists have demonstrably more reliable addresses, the court should retain the records from the more reliable source lists when removing duplicate records during the merge/purge process. If it is not feasible to conduct this type of analysis, or if the results of the analysis do not show

conclusive findings, the court should use the most frequently maintained source list as the default option for retaining records. Another option is to request the administrative agency to include a "record updated" field in the dataset that indicates the most recent date of any changes made to the record. When comparing records that have the same name, social security number, or date of birth but different addresses, for example, the court should retain the record with the most recently updated information.

National Change of Address Updates

The U.S. Postal Service maintains a National Change of Address (NCOA) database to forward mail after people move to a new address. The postal service licenses private vendors to access the NCOA database to provide updated address records for individuals, families, and businesses that have moved.⁴ This service is used extensively by commercial mail customers to minimize undeliverable rates. Many NCOA vendors also provide Zip+4 updates and address standardization and verification services in addition to NCOA updates. Based on a 1998 evaluation, the U.S. Postal Service estimated that 4.41 percent of records from customer mailing lists were matched on the NCOA database.⁵ When updating records with NCOA, it is important to recognize that very stale records — that is, records for which the mail forwarding order has expired — will not result in an updated address file from the NCOA database.

Typically, NCOA vendors can process and return update lists electronically 24 to 48 hours after receipt. After completing the NCOA updates, the vendor is required by its licensing agreement with the U.S. Postal Service to destroy all copies of the mailing list it received from the customer. Costs vary depending on the number of records to be updated and the price structure established by the vendor. Most commercial jury automation vendors have contracts with NCOA vendors to provide these services to their court customers. Anecdotal reports from commercial jury vendors suggest that NCOA address verification returns 10 to 15 percent of records with an updated or corrected address. In almost every instance,

the savings in postage and printing costs greatly exceed the cost of the NCOA update. A list of licensed NCOA vendors is available at www.usps.com under NCOALink.

When using NCOA, the court should establish a policy concerning updated records that show a mailing address that is no longer located in the geographic area served by the court. In some jurisdictions, for example, it is common practice for individuals to maintain a mailing address near or at their place of employment rather than at their residence. If this is the case, a policy to mail qualification questionnaires or jury summonses to apparently out-of-county addresses may be appropriate to ensure that jury-eligible persons are not inappropriately excluded from jury service. In other jurisdictions, it may make more sense to remove records with out-of-county addresses from the list of qualification questionnaires or jury summonses rather than send a jury service document that is unlikely to result in a qualified juror.

For maximum effectiveness in reducing undeliverable rates, courts should apply NCOA updates to the master jury list upon creation and to all qualification questionnaires and jury summonses within 90 days of posting. Updates to the master jury list will ensure the most accurate address records, and updates to the qualification questionnaires and jury summonses will permit courts to take advantage of bulk mailing rates.

U.S. Postal Service Reliability

Most undeliverable mail can be attributed to bad addresses on the master jury list. In some instances, however, the U.S. Postal Service itself is the actual source of the problem, as it returns validly addressed mail to the original sender. The NCSC Center for Jury Studies had heard anecdotal reports from courts that routinely re-sent jury summonses that had been returned as undeliverable, getting response rates of more than 25 percent on the second mailing to the same address. To investigate the possibility of U.S. Postal Service unreliability as a potential contributor to undeliverable rates, the NCSC conducted a study in which 13 state trial courts, one federal

trial court, and the statewide jury operations for Connecticut and Massachusetts participated.⁶ Each court re-mailed up to 100 jury summonses that had been previously returned as undeliverable by the U.S. Postal Service. Overall, an average of 4.6 percent of the summonses were delivered and responded to on the second mailing. Two of the courts had juror response rates in excess of 10 percent.

Courts that have already taken steps such as those discussed above to decrease undeliverable rates, but still have high rates of undeliverable jury summons, may wish to duplicate the experiment to determine if some of the problem lies with the local postal service. If so, the court should consult the local postmaster or the U.S. Postal Service consumer affairs office to discuss the problem and inquire about potential solutions. For the local consumer affairs office, call 1-800-ASK-USPS and either say “help” or “customer service.” Once a representative is on the line, you can request the number for your local customer affairs office or document a complaint with the representative and he/she will forward this information to the most appropriate person. If you choose to document a complaint, you should be contacted regarding this issue within the next business day.

Special Considerations for Two-Step Courts

Courts that employ a two-step qualification and summoning process often find that the undeliverable rate for jury summonses is almost as high as the undeliverable rate for the initial qualification questionnaires. This is especially common in courts that conduct the initial qualification process relatively infrequently (e.g., annually or less often).

Table 1 compares the undeliverable rates for qualification questionnaires and for jury summons in two-step courts serving different size communities. The prevalence of relatively high undeliverable rates for individuals who previously have responded to a qualification questionnaire strongly suggests that the time lapse between when the individual is deemed qualified for jury service and when that individual is actually summonsed is long enough to permit a significant portion of

the qualified list to become out-of-date. This effect is the result of normal migration patterns for the local community and operates in a similar fashion to the degradation rate for the master jury list.

The most direct remedy for high undeliverable rates for jury summonses in two-step courts is to convert to a one-step jury operation that employs all of the techniques previously described in this document. If conversion to a one-step operation is not feasible, two-step courts should apply NCOA updates to the list of jury summonses within 90 days of the mailing date. This will ensure that the court receives adequate notice of address changes for qualified jurors before mailing the jury summons, as well as permitting the court to take advantage of reduced rates for bulk, first-class mail from the U.S. Postal Service.

ABOUT THE AUTHOR

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NOTES

1. Gregory E. Mize, Paula L. Hannaford-Agor & Nicole L. Waters, *State-of-the-States Survey of Jury Improvement Efforts* (2007).
2. U.S. Census Bureau, *Selected Social Characteristics in the United States: 2008, Residence One Year Ago* (2008 American Community Survey 1-Year Estimates).
3. Council for Court Excellence, *Improving Juror Response Rates in the District of Columbia: Final Report* 48 (March 2006).
4. For a current list of NCOA vendors, see the U.S. Postal Service NCOALink® pages at http://ribbs.usps.gov/ncoalink/documents/tech_guides/CERTIFIED_LICENSEES/.
5. U.S. Postal Service, *Address Deficiency Study* (1999), available at <http://ribbs.usps.gov/files/uaa/uaasum.pdf>.
6. The courts that participated in the study were the Superior Court of Arizona, Maricopa County; Superior Courts of Nevada and Orange Counties, California; the Connecticut Judicial Branch; the Circuit Court of Palm Beach County, Florida; the Seventh Judicial District Court in Bonneville, Idaho; the Superior Court of Allen County, Indiana; the Circuit Court of Prince George's County, Maryland; the Office of the Jury Commissioner for the Commonwealth of Massachusetts; the District Court in Douglas County, Nebraska; the Superior Court in Union County, New Jersey; the Second Judicial District Court in Bernalillo County, New Mexico; Circuit Courts in Malheur and Lane Counties, Oregon; the District Court in Denton County, Texas; Circuit Court of Lake County, Illinois; and the U.S. District Court, District of Arizona.

Table 1: Average Undeliverable Rates for Two-Step Courts

	Courts serving communities of:			
	More than 500,000 population	100,000 to 500,000 population	25,000 to 99,999 population	Less than 25,000 population
Qualification Questionnaires	15.1%	14.4%	16.0%	13.5%
Jury Summonses	6.6%	10.2%	8.2%	10.0%

Source: NCSC *State-of-the-States Survey of Jury Improvement Efforts* (2007)