

# JURY NEWS

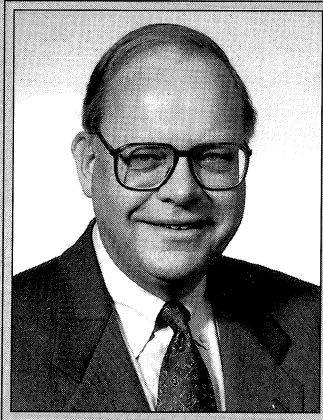
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## News from the NACM Conference

**Poetic Justice Project.** Attendees at this year's NACM conference received the usual thick notebook, guides to local attractions, and a wonderful little volume *100 Best Loved Poems*. The book was provided by the American Literacy and Poetry Project, a national nonprofit organization that distributes free poetry books to the public. Andrew Carroll, the executive director, has set up the Poetic Justice Project to make these volumes and others available to jury assembly rooms for jurors who invariably and unfortunately must spend some time waiting. The project will provide the books, at no cost to the court, simply for the asking. They will even pay for the shipping. Needless to say, the first courts using them report that wonderful comments have been received from the jurors. Will a court somewhere find some of these famous lines prejudicial? None have yet, as far as we know. You can contact the American Poetry and Literacy Project at 1058 Thomas Jefferson St. NW, Washington, DC, 20007, (202)338-1109 or fax (202) 319-8868.

## Next Generation Jury Management Automation

In this column in the fall 1995 issue, we mentioned the use of Interactive Voice Response (IVR) systems as used in Phoenix and Los Angeles. IVR systems use the Touch-Tone telephone pad as a numerical input device. "If you are with me touch 1." Although frustrating at times, these systems permit us to do lots of things such as transfer money, find out specific information about county services, or order items like pay-per-view TV programs without any staff involvement and usually at any time of the day or night. In the jury system, IVR has been used on one level to obtain general information about the location of the court, court hours, what jury duty is, how to get a postponement, and so forth. A second level allows one to obtain specific information about an individual situation, such as "has my request to be excused been accepted," "have I been given a new date for reporting," or "should I report as summoned?" On a third level information is entered or modified in the juror database. New York, which statutorily gives each person summoned an opportunity for one postponement of up to six months, provides this service via its IVR system in the ten largest counties and, as of last October, was handling 30,000 calls per month. Mecklenberg County (Charlotte), North Carolina, will implement a one postponement system in its new IVR system. The county will also use IVR in other court applications such as fines collection.



A multiphase jury system improvement program, which includes the use of IVR, has been under way in Los Angeles County for several years. The goals of the program are:

- to improve communication with jurors,
- increase the yield rate,
- streamline the jury operations,
- provide comfortable and secure jury assembly rooms, and
- develop legislative and policy changes to implement the necessary changes.

The new Juror Services Telephone Center, which uses IVR, is an important part in the first three of these objectives. In the first phase, an

interactive voice system was installed to permit summoned jurors to defer their service date to a new time. The same system also provides information for each site on the location of parking at the various court sites, the phone numbers to call, and the status of the next day's call-in. This IVR service is available almost twenty-four hours a day, and seven days a week.

In phase two, the IVR system has been expanded to permit a juror to request an excuse from service or to request a transfer of service to a different court location. A juror complaint hotline was also added, on which a juror can leave a message. A prompt response to the juror is promised and delivered.

In the third phase, which has been under way for several months, the IVR system will permit persons to qualify themselves and then simply report for service with no need to mail anything back to the court if they are qualified. The jurors will bring their qualification form with them when they report. The first question asked from the IVR is whether the juror wishes to respond in English or Spanish. Then the IVR system will walk jurors through the qualification process and default to a staff person if a prospective juror has a problem. Such a problem could be inconsistent responses from the juror or if the response requires more information such as to discuss a hardship or the need for a doctor's note. This automated qualifying is expected to permit the staff to spend their time with those persons needing attention. The savings in forms, postage, and staff costs will be reinvested in the system to permit more persons to be called for service, reducing the term of service for those serving. With annual postage costs currently at about \$1 million, savings in this area alone will be substantial. Another clever feature is a "reminder" function by which the juror may request that the court's IVR system call the juror one week before the jury service date as a reminder. An additional feature of the third phase is the conversion of the qualifying and summoning process to a single step process.

This will result in further savings in forms and costs and permit the court to summon a person more rapidly after his or her name is selected from the source list. The result should be fewer undeliverable summonses.

### **Where Is This Taking Us?**

In previous columns I reported that in several California courts, citizens have been submitting their juror forms by fax. Cobb County, Georgia, uses simple bulletin board software to permit summoned jurors to complete their questionnaires via PC and modem. Over 30 percent of those called to serve in this suburban court use this method. The results are reduced staff time and postage costs and the flexibility for jurors to respond at their convenience. With this and the IVR experience, we see jury systems that recognize the diversity of our population. They take advantage of, and give respect to, the varying abilities and methods that our citizens have to communicate with the court. The "win-win" situation is that while the citizens win with new convenient methods of replying, the court wins with reduced costs and staff burdens.

Despite the fact that today's citizens have access to many forms of technology, courts have tended to forget this when they call these same citizens to serve as jurors. The reason may be our narrow thinking, which reduces each task to one that all persons can perform. We base the system on a lowest common denominator approach. Why must all citizens called to serve as jurors get and complete the same forms in the same way? We have begun to break away from this thinking in other aspects of court operations. We now see remote filing procedures mixed with paper filing procedures. The new thinking is the recognition of the various means and capacities that citizens have for communicating with the court and the modification of court processes to accommodate them. Good jury management should provide the tools to achieve this result with minimal inconvenience to the citizens and their employers and at minimal cost to the court.

### **More on Dealing with Non-Responders**

In the summer 1995 issue of *The Court Manager*, this column presented the efforts of several courts to reduce the non-response to the qualification questionnaire and summons. The increase in the number of available prospective jurors is not always the issue. In some courts it is more a matter of

trying to understand the non-response than to reduce it. In others it is a matter of integrity in that those who do not respond should be pursued. It is also an issue often raised in challenges to the selection system.

For whatever reason, courts should know something about the reality of the non-response. In Eau Claire, Wisconsin, Judge Thomas Barland instituted a follow-up procedure. In the period from March to July, 1997, the court sent out 3382 questionnaires/summonses. (They use a combined qualification and summons process.). Of these, 15 percent were undeliverable, 37 percent produced responses from persons who were ineligible (they use only the drivers list as the source of jurors names), and 37 percent produced responses from eligible jurors. The non-response rate was 11 percent. Second notices were sent to the 368 non-responders, of which 56 percent now replied. This reduced the non-response rate to 5 percent. Orders to show cause along with another copy of the questionnaire were then sent to the remaining non-responders. The options to the recipients were to complete the questionnaire or to report as ordered to state why they should not be held in contempt of court. Not surprising, 80 percent completed the questionnaire and returned it, and only 32 people disregarded the order. The total non-response was now down to 1 percent. Capiases (arrest orders) were then issued and served by the sheriff. The officers were given copies of the questionnaires to give to those found. The option was complete the questionnaire or be arrested. All of those found, 11 people, completed the questionnaire. Only 21 people could not be located. The total non-response was now .6 percent.

At each step the option of completing the questionnaire was offered and was usually taken when the consequences were serious. Of the three follow-up steps, the show cause order caused an 80 percent reduction and the second notice produced the greatest numeric result. Based on these data, a second mailing and an order to show cause step seems to be needed. It will be interesting to see, when these results are made known to the community, if the initial response will improve. Further analysis of the data showed that almost all of the people found at each step of the follow-up were eligible. Five of the persons found by the sheriff lacked the capacity to communicate adequately in English. The total qualified increased from the initial level of 37 percent to 47 percent due to the follow-up procedures. CM