

# Jury News

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## Getting the Biggest Bang for Your Buck from Online Qualification Technologies

The Internet has become such a ubiquitous presence in contemporary American life that it is hard to imagine how we lived without it for so long. We can conduct research for work or home. We make travel reservations for airlines, trains, buses, and hotels. We can check weather, traffic, and local news virtually anywhere in the world. We can shop for almost any product or service. We can pay bills and conduct other financial transactions. Even state and local governments, including some courts, are implementing e-government strategies to communicate with citizens about basic news and services. But jury management, once the cutting edge of court automation, has been slow to adapt these Internet technologies.

According to the recently published *State-of-the-States Survey of Jury Improvement Efforts*, less than 20 percent of state courts even post basic juror information

on their Web sites. Only 11 percent offer citizens the opportunity to respond to their jury summons or qualification questionnaire online.

You would think that the benefits of providing online qualification technology would be obvious to courts. As recently as 2003, 55 percent of U.S. households had Internet access, and that percentage has undoubtedly increased in the past five years. Administrative costs for processing qualification questionnaires — opening the envelopes, removing the completed questionnaires, reviewing the questionnaires, and entering the information on the jury management system — is the single biggest expense in jury operations. Another significant chunk of the jury budget involves staff time to respond to jurors' questions and requests to be excused from jury service or postponed to a new date. Imagine the potential cost savings if jurors with Internet access (at home, at work, through public libraries, etc.) could simply go online, fill in their qualification questionnaire, request a new date, or request to be excused and have that information automatically entered in the court's jury management system. And imagine the ease of responding to a jury summons by those same jurors — no more rummaging around for an envelope and a stamp, finding a mailbox, etc.

Last year, I wrote a *Jury News* column about courts' apparent failure to take advantage of modern communication technologies such as Internet and Interactive Voice Response (IVR) applications. Last fall, I had an opportunity to explore courts' experience with online qualification through an informal survey of courts that have implemented this technology. That survey revealed a startling picture. Some courts reported enormous success — with as much as 60 percent of summonsed jurors responding online. (Keep in mind that nationally more than 20 percent of summonses are returned undeliverable or are not responded to at all, so in courts with a 60 percent online qualification rate, three out of four summonsed jurors are responding online.) Other courts, however, had abysmal experiences (less than 2 percent online qualification rates). The average rate for all courts that responded to the informal survey was 30 percent — that is, slightly more than half the national rate of household Internet access. In subsequent discussions with commercial jury software vendors and individual courts, we identified four factors that are likely to affect online qualification response rates. These suggest things that courts should consider while implementing online qualification technologies.

### COMMUNITY "WIRED-NESS"

Communities differ greatly with respect to the extent that individuals have access to and routinely use the Internet to communicate with each other for personal and business purposes. Age and education are key factors, with younger and more educated persons more likely to use Internet services than older and less educated persons. As a practical matter, courts cannot do much to affect the degree to which their communities are



already using the Internet on a regular basis. But it is a question that courts should consider before investing in this type of technology. If jurors in your community are not already using Internet technology on a regular basis, perhaps other jury improvement efforts should take priority until the local demographic characteristics of the community indicate that more people would use the online application if it were offered. Jury managers can assess this informally simply by asking jurors who report for service if they have Internet access at home or at work and if they would use an online qualification service if it was made available to them.

### **WEB SITE FUNCTIONALITY**

Sandi Willett, director of Education Services for JSI, Inc., a commercial jury software vendor, offered several insights about the impact of Web site functionality on her clients' experience with online juror qualification rates. Web site functionality refers both to the number of tasks or jury management functions that individuals can conduct online as well as the ease of conducting those tasks. According to Willett, the more tasks prospective jurors can conduct online, the more likely they are to conduct all of their juror communication online. Thus, courts that restrict online communication only to documenting juror qualification typically have lower overall response rates than courts that provide jurors with a broader array of options (e.g., document qualification information, choices for new date for jury service, name or address changes, request to be excused from jury service, reporting status check, directions and parking information for the courthouse, orientation video, etc.). The Office of the Massachusetts Jury Commissioner recently implemented a statewide application that has many of these functions and might serve as a model for other courts.

### **PROCEDURAL FACTORS**

Related to Web site functionality is the extent to which jury management procedures have been adapted for online communications, particularly for situations that require supplemental documentation (e.g., proof of non-citizenship, doctor's verification for medical hardship excuse). Courts that permit jurors to submit supplemental documentation electronically typically have higher online response rates than those that require supplemental documentation in writing. For example, instead of requesting written proof of non-citizenship (e.g., copy of green card, foreign passport and visa, etc.), the court could simply request the person to submit the green card number, or passport or visa number and country of origin). For jurors who request to be excused due to medical hardship, the court might develop an electronic form that jurors could download, forward to healthcare providers for the appropriate documentation, and then email back to the court.

### **FORMAL AND INFORMAL INCENTIVES**

It appears that a substantial factor in the success of courts' online juror Web sites is the extent to which those courts publicize the Web site and formally or informally encourage jurors to use it. Compare, for example, the online qualification rates for the Maricopa County Superior Court in Phoenix, Arizona, with that of the Phoenix Division of the U.S. District Court in Arizona. Both courts offer online qualification to jurors, and they draw from approximately the same geographic boundaries. But the online qualification rate for the federal court is 29 percent compared to just 9 percent for the Maricopa County Superior Court. The qualification questionnaire for the federal court includes a prominent notice that states "this questionnaire is available for completion online by visiting [www.azd.uscourts.gov](http://www.azd.uscourts.gov) and clicking on juror information." In contrast, the summons for the Maricopa County Superior Court merely indicates that the recipient can obtain jury information by "visit[ing] the Web site at [www.superiorcourt.maricopa.gov/jury](http://www.superiorcourt.maricopa.gov/jury);" it does not specify that jurors can complete the questionnaire online or conduct other business on the Web site. A more prominent notice of Web site availability and its uses would likely improve online response rates.



In the National Center for State Courts survey of online qualification rates, 30 counties in Wisconsin submitted information. Eau Claire, Wisconsin, reported the highest rate in the state — 40 percent. When I called Diana Miller, clerk of the Circuit Court in Eau Claire, to ask what her secret was, she replied that she had discontinued sending stamped, self-addressed envelopes with the qualification questionnaire. She had only received one complaint — ironically in an email message from someone who obviously had Internet access — but had saved more than \$1,200 in postage in the first year of the new policy. This is an example of a successful incentive to use the online qualification feature rather than first-class mail.

The lessons from these examples are fairly straightforward. Courts can benefit greatly by offering online qualification applications to prospective jurors, but implementing the software is only the first step to a successful transition from paper to online communications with jurors. Courts need to think carefully about the Web site design and functionality and take into consideration how online communications differ from written (paper) or telephone communications. They also need to develop a comprehensive strategy to inform jurors about the availability of the Web site and encourage its use.

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#### **NOTES**

1. U.S. Census Bureau, Computer And Internet Use In The United States: 2003, Figure 3.
2. Hannaford-Agor, Paula L. "The Brave New World of Jury Technology," *Court Manager* 22(2) (2007).
3. E-mail correspondence with Sandi Willett, JSI, Inc. (Aug. 30, 2007).
4. The Web page is located at <https://juryduty.massjury.com/system/start.aspx>. Contact Pamela Wood, Jury Commissioner for the Commonwealth of Massachusetts, for additional information.