

Jury News

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WHAT WAS LEARNED?

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff
VS
MICHAEL JOSEPH JACKSON, Defendant

In this issue, I am very pleased to have Ellen Scott, jury supervisor in Santa Barbara County, California, share her jury thoughts from State v. Jackson. These cases “like you’ve never seen before” are interesting for their celebrity and the attention that they draw, but more on point as to how the people on the inside are seeing that the rights of all are observed under conditions no one could imagine. The jury lessons learned in the Superior Court for Santa Barbara County provide a wonderful example of cooperation, thinking ahead, and some new levels of sensitivity.

— Tom

Should you find yourself in a situation similar to mine with an incredibly high profile trial looming in your future, consider the following. Maybe you’ll find some ideas that will help you through

COMMUNICATING IS CRUCIAL. Trial Judge Rodney S. Melville and I had an open line of communication throughout the planning and jury selection phases. We discussed the requirements and needs of the jury services office, juror security, facilities, staffing, and ideas about handling prospective and sworn jurors throughout the process. Judge Melville made himself accessible. If I had a question, comment, or wild idea, I knew that I was always welcome to call him. (And I did!) This was one of the most valuable tools I had — access to and great communication with the trial judge.

USING A TOTALLY ANONYMOUS JURY. To protect the privacy of everyone who reported and the panel that was ultimately sworn, we provided a totally anonymous jury. The only people who had access to the names of the prospective jurors and the sworn panel were the jury office staff. Numbers were assigned to each prospective juror and were used in place of their names. The sworn jury continued to be known only by their assigned numbers, not by name. This approach was much appreciated by those called in. They were pleased to know that we were actively protecting their privacy. It can be labor intensive, but it is well worth the effort.

HAVING ADEQUATE STAFF. Santa Maria is a relatively small city in Santa Barbara County, with a small courthouse. There are only three staff in my office, including myself. That was all the staff I had in the planning stages, and we had other jury trials to manage prior to the first prospective panel reporting. With a lot of overtime, the plan came together, but we three — Lori Hornbrook, Carolyn McCord, and myself — were certainly not going to be able to deal with the numbers of incoming prospective jurors.

GETTING HELP FROM OTHER “JURY PEOPLE” TO KEEP THE SHIP AFLOAT. I turned first to jury supervisor Mark Hanson at our court located in Santa Barbara. Mark readily agreed to help out. Still needing another “jury mind,” I contacted deputy jury commissioner Cathi Vest in San Luis Obispo County (our neighboring county to the north). I asked (begged might be more accurate) Cathi for her assistance. Like Mark, Cathi was quite willing, and her court administration was glad to lend a hand. Although the San Luis Obispo court doesn’t use the same jury management software that Santa Barbara County courts use, Cathi knows how to handle jurors, and that was what I needed most. This team of five was the heart of the jury operation when the prospective jurors came in. When we needed extra people to direct traffic, copy documents, and the like, I’d

put out an APB with the court management team, and I'd find the cavalry at my door. I couldn't have managed the jury tasks without all these people. Having a small department and a huge case means needing the talent of others, so I had to go out and find it!

HANDLING THE EFFECT OF DECORUM ORDERS. There were a number of decorum orders made in this case. The decorum order specifically regarding the courtroom affected every person who wanted to observe any proceedings in the case. The judge issued this order in June 2004. To be sure that visitors to the pre-trial hearings would see the order, the court had it printed on signs and posted at the entrance to the court parking lot.

Seven months later, the decorum order regarding the courtroom had an unexpected effect on the jury selection process for my office. The afternoon before the prospective jurors were to report in, I reviewed the order and realized that nobody was allowed to enter the courtroom with purses, bags, backpacks, cell phones, large coats, cameras of any kind, recording devices, etc. At the time, I didn't have a way to stop the first group of incoming prospective jurors from bringing their purses, cell phones, etc., so we quickly came up with a check-in system. Brown paper bags with numbers written on them were used. People put their belongings in the bags, and they were given a raffle-type ticket with the bag number written on it. We then collected the bags and planned to hold them in our office until the individuals came to claim them. It turned into a nightmare when the morning flood of prospective jurors returned to the office demanding their belongings while we were trying to get the afternoon groups oriented! With the assistance of staff from other departments, we moved all of the bags and people to another location. For the next day, we put a message on our daily recording telling everyone who was to report that these items were not allowed in the courtroom. We still had people with purses and cell phones that had to be "checked," but it was MUCH more manageable. Too bad we couldn't have done that the first day



Paper bags hold items banned from the courtroom.

WHICH COURTROOM? It was decided before the first hearing on the case that the largest trial courtroom on the property would be used, even though it is not the trial judge's "home" courtroom. This was an excellent move in terms of jury selection. It allowed us to have the maximum number of prospective jurors possible in a single courtroom. Instead of bringing in groups of 75 at different times during the day, we were able to bring in 150 people at a time and fit them comfortably into the courtroom, making for fewer court sessions. And, once the trial began, the courtroom size allowed for seats to be assigned to the press, public, sketch artists, defense "guests," prosecution "guests," and court "guests."

SEATING IN THE JURY BOX. The jury box in the selected trial courtroom seats 14. For this case, we needed to seat 20 in the box, as there would be eight alternates. Assistant Court Executive Officer Darrel Parker started looking for theater-type seats for the box and talked with our regular office furniture supplier. They could provide the seating, but at a whopping \$10,000. He quipped to them that he could probably get the seating cheaper on e-Bay. Then he realized that he really might be able to get them on e-Bay, so he went hunting. Lo and behold, he found two rows of 10 seats each, so he purchased very nice theater seats that fit into the jury box for a mere \$2,000 (including shipping) on e-Bay! Installed after the jury was selected, one seat was left out to accommodate one of the jury members who is in a wheelchair.

SECURITY FOR THE SWORN PANEL. The jury panel was never sequestered, however, security was tight for them. They were assigned to a particular parking area next to the Jury Assembly Building that was monitored all day by deputy sheriffs. They reported to the Jury Assembly Building each morning, then were escorted to the courtroom by a deputy. When they left each day, they were escorted to the parking area, and the deputies made sure nobody approached the area until all jurors had driven out of the lot. No attempts to get the license plates numbers of the jurors were reported.

JUROR APPRECIATION WEEK CAME DURING THE TRIAL. We give extra attention to our jurors during this week each year. This jury, on a such a long and stressful case, was surely deserving. At the end of the week, the jurors presented the jury office with a thank you card containing a poem they had written. Because the jury was anonymous, they signed the card writing “20 numbers without names, Jurors thank you all the same!” followed by their “signature” juror numbers.

DELIBERATION AND THE VERDICT. The jurors parked off-site with their cars in a secured area during deliberations. The sheriff’s department drove them to and from the courthouse in unmarked vans, dropped them off just outside the courthouse door, and picked them up in the same location each day of deliberation. They were escorted by deputies between the vans and the courtroom. The alternates were not at the courthouse during deliberations, but all wanted to be present for the reading of the verdict. When the jury sent word they had reached a verdict, I phoned each alternate. Special parking had been set aside for the them, so they were able to quickly park and be escorted to the courtroom. Every alternate appeared and was seated in the audience for the reading of the verdict. They were taken into the deliberation room afterward, and when the jury met with the press post-verdict, the alternates were there as well.

CREATION OF WEB SITE. Court administration (Executive Officer Gary Blair and Assistant Executive Officer Darrel Parker), wanted to be able to release documents in this trial via the Internet to cut down on the amount of foot traffic at the court, as our court is very small. Blair actually lobbied to have the California Rules of Court changed to allow such a Web site and was successful at doing so. Although this Web site was not a jury concern, it made a huge difference in the amount of traffic at the courthouse from the press and public alike. The press had their access to the documents and other press-specific information, and the public had access through a public Web site. The Web site is tremendous and was a great time saver for all court staff. It is an award-winning site, having won the Kleps Award and first place in the Justice Served Top 10 court Web sites for 2005. Take a look at the public site at: www.sbspublicaccess.org.

Here are some quick stats about the trial:

- 4,000 summons mailed
(We use a one-step process.)
- 900 directed to report
(300 each for three sessions)
- 432 people reported in — 157, 146,
and 129 — 48 percent average (a slightly
higher than normal yield)
- 189 people were deferred 60-90 days
(44 percent)
- 243 people completed questionnaires
(56 percent)
- 113 prospectives were sent to trial court
for selection
- Jury selected from these 113 — in fact,
from first 60!
- Sworn panel: 12 jurors and eight alternates
- Courtroom seating: 47 from the media,
two sketch artists, 47 members of the public,
12 for the parties (six each), 14 reserved by
the court
- 24 other jury trials were conducted
during People vs. Jackson



The decorum order is posted at the parking lot entrance to be sure visitors see it.