

*Project Overview, Data and Methods*

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**2023**

**State-of-the-States  
Survey of Jury Improvement Efforts**

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Strengthening  
the **sixth**  
JUSTICE FOR ALL

# Project Overview, Data and Methods

In 2007, the National Center for State Courts (NCSC) published findings from the *State-of-the-States Survey of Jury Improvement Efforts* (SOS Survey), the first comprehensive snapshot of jury operations and jury trial practices in the United States. The 2007 SOS Survey featured three discrete components: a statewide survey documenting legal infrastructure for juries and jury trials in each state; a local court survey, which documented jury operations at the county-level in state courts; and a judge & lawyer survey, which asked respondents to describe the characteristics and procedures employed in their most recent jury trial.

The 2007 SOS Survey was groundbreaking in many ways. It showed that the volume of jury trials was much greater than previously estimated, largely because jury operations in limited jurisdiction courts were rarely included in national estimates. It was also able to provide estimates of the number of jury summonses mailed and the number of citizens impaneled as trial jurors each year. In addition, state and local courts could for the first time compare performance measures and operational practices, not only to other courts within their own state, but also to courts of similar size, structural characteristics, and operational practices from across the country. Similarly, judicial policymakers learned how legal and structural characteristics in

their states affected trial practices and how widespread certain jury trial “innovations” (e.g., allowing jurors to take notes) were practiced in both state and federal courts. Findings from the SOS Survey led to renewed efforts in many states to improve operational practices and to educate judges and lawyers about effective trial procedures.

By the mid-2010s, NCSC began receiving regular inquiries about when it would publish updated statistics about jury operations and trial procedures, especially from media outlets who were unaware of the cost and time required to undertake the study.<sup>1</sup> Despite several attempts, NCSC was unable to secure external funding to replicate the 2007 SOS Study. So, beginning in 2018, it used internal funds to collect data from a rolling sample of states with the intent to update the SOS Study findings completely within five years. In addition, the new surveys added questions for several areas of interest that had been overlooked in the 2007 SOS Study, including qualification yields for courts with two-step jury operations, use of technology solutions for jury operations, trial length and outcomes, the frequency of legal challenges to the jury system, and judges’ and lawyers’ opinions about the importance and legitimacy of juries and jury trials in the American justice system.

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<sup>1</sup> Data collection for the 2007 SOS Survey was funded through private donations from 68 individual lawyers and law firms; supplemental funding for data analysis and publication of the findings was supported by grants from the State Justice Institute and the Chamber of Commerce.

In 2018, NCSC distributed updated surveys to Alaska, California, Massachusetts, Michigan, Minnesota, New Mexico, South Carolina, and Texas. In 2019, data collection continued in Connecticut, Pennsylvania, and Vermont. But COVID-19 completely upended plans for distributing surveys in 2020 and 2021. Fortunately, during this same period, NCSC was provided with access to funding and resources as part of its partnership with the National Association of Criminal Defense Lawyers (NACDL), the Association of Prosecuting Attorneys (APA), and RTI International under the Bureau of Justice Assistance's Strengthening the Sixth Justice For All grant.<sup>2</sup>

After adding new questions to the Local Court and Judge & Lawyer Surveys to capture the impact of COVID-19 on juries

and jury trials, NCSC distributed the surveys through its network of justice system stakeholders, including the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Management, the American Judges Association, the American Board of Trial Advocates, the American Society of Trial Consultants, and networks of its Strengthening the Sixth partners at NACDL and APA. Data collection began in October 2022 and continued through April 2023 (2023 dataset). To ensure that the new snapshot of jury operations was as robust as possible, responses from the 2018 and 2019 SOS Surveys (2019 dataset) were merged with the new survey responses.<sup>3</sup> Data from the 2020 Census was used to provide population estimates.<sup>4</sup> Descriptions of the resulting datasets follow.

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<sup>2</sup> BJA Grant No. 2019-YA-BX-K001.

<sup>3</sup> If the same court provided survey responses in the 2018/2019 and 2023 surveys, NCSC deleted the older record.

<sup>4</sup> <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-main.html>

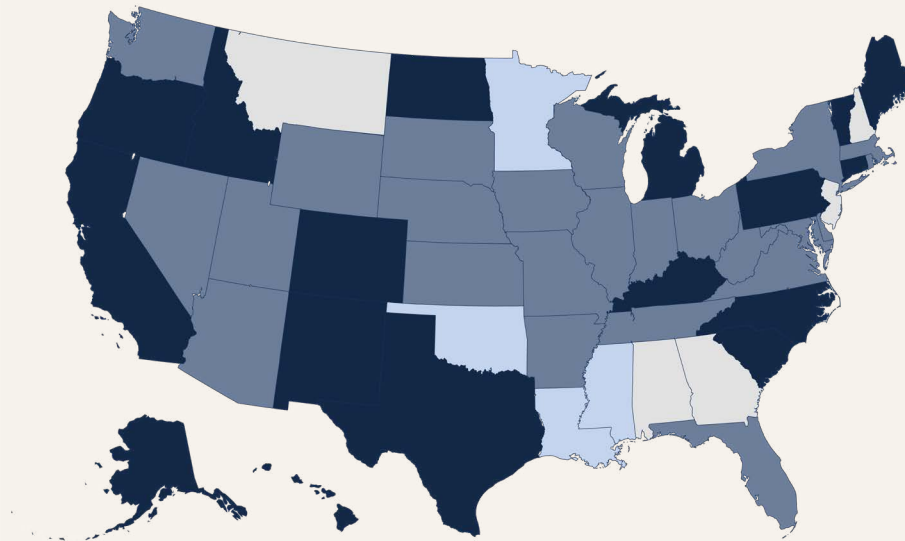
# Local Court Survey



## RESPONSES BY DATASET

### Legend

- Both 2019 and 2023 Dataset
- 2023 Dataset Only
- 2019 Dataset Only
- No Data



Trial court structure varies organizationally from state to state with three basic types of courts: single-tiered, general jurisdiction, and limited jurisdiction. Single-tiered states process all case types in a single general jurisdiction court, while other states typically divide caseloads between a single general jurisdiction court and one or more limited jurisdiction courts. In the Local Court Survey, nearly three-quarters of responding courts were single-tier or general jurisdiction courts and the remaining courts were limited jurisdiction courts. Responses from Alaska, Idaho, and Michigan were fairly mixed between 2019 and 2023 datasets; in California, Connecticut, Kentucky, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania and Texas, the 2023 dataset predominated; in Hawai'i, North Dakota, and Vermont, the 2019 predominated.

## Local Court Survey

**992**

Unique counties represented  
*(31.6% of total county and county-equivalents in the US)*

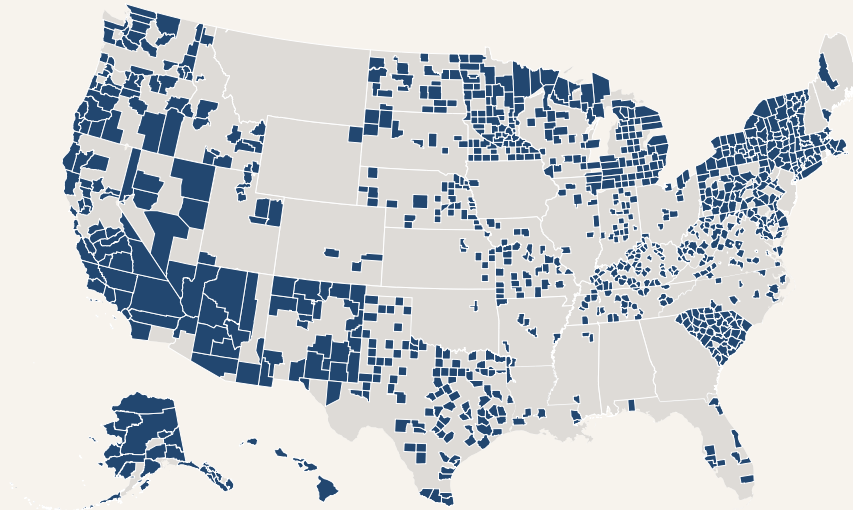
**56.6%**

Proportion of total  
US population served  
by responding courts

**59%**

Proportion of state populations served by responding courts  
*Ranged from 1% (CO, WY) to 100% (AK, DC, DE, HI, MA, MN, NY, SC, VT)*

### DISTRIBUTION OF COUNTY POPULATIONS



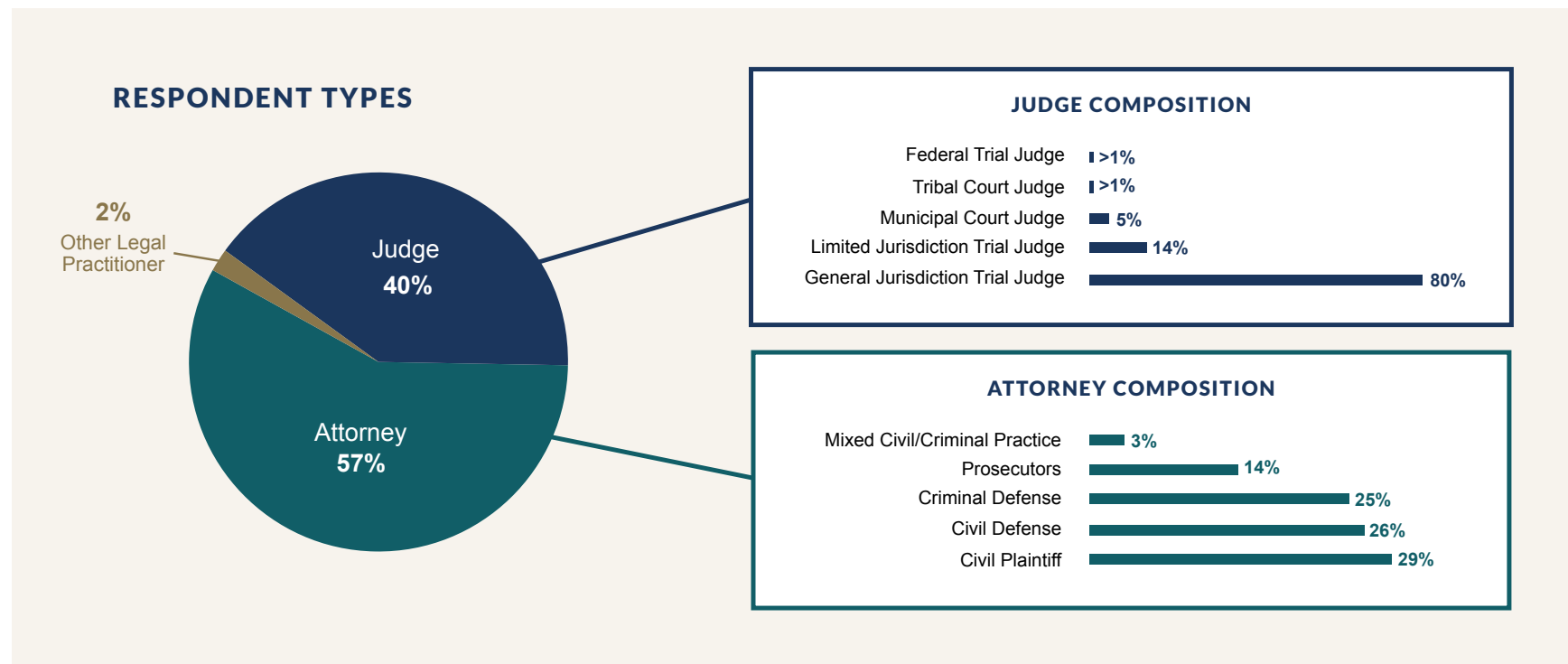
Local Court survey response rates were down by 26% in 2023 compared to the 2007 survey. The 2023 survey retained participation by urban and large suburban counties proportionately, but lost participation by rural and small suburban counties. Rural and small suburban counties have specifically experienced limited resources due to the pandemic, which could be a factor in the decrease of responses in these areas.



# Judge & Lawyer Survey

The Judge & Lawyer Survey asked respondents to provide details about their most recent jury trial. The final dataset included 5,860 survey responses, 3,028 (51.7%) from the 2019 dataset and 2,832 (48.3%) from the 2023 dataset. Although the overall response rate was about half that of the 2007 SOS Survey, the breakdown of survey respondents was remarkably similar. Trial judges comprised 40% of the respondents, along with 57% from attorneys and 2% from other legal practitioners.

The overwhelming majority of judges (80%) were general jurisdiction trial court judges; other judges were limited jurisdiction court judges (14%), municipal court judges (5%), and federal and tribal court judges (both less than 1%). Attorney respondents broadly reflected the practicing trial bar, including prosecutors (14%), criminal defense attorneys (25%), civil plaintiff (29%), civil defense (26%), and mixed civil and criminal practice (3%).

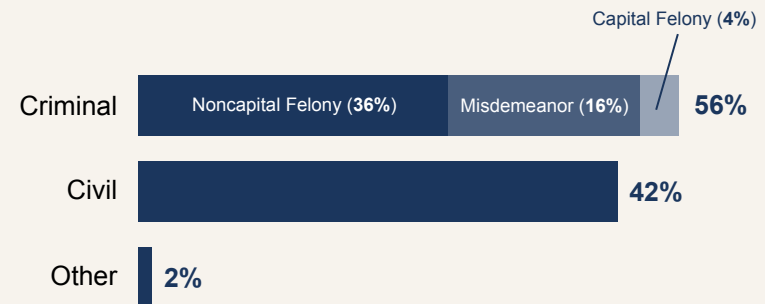


## Judge & Lawyer Survey

The trials in which they participated took place in all 50 states and the District of Columbia. As expected given the respondents, most trials were held in state general jurisdiction trial courts (82%); 10% took place in state limited jurisdiction courts, 5% in federal courts, 3% in municipal courts, and 5 trials in tribal courts (less than 1%). Over half were criminal trials, including 4% capital felony, 36% noncapital felony, and 16% misdemeanor cases; 41% were civil cases and 2% were “other” case types, including probate, mental health, and domestic relations cases. More than one-third of the trials (37%) took place in 2020 or later.

The SOS Judge & Lawyer Survey asked these respondents to describe special procedures employed to protect public health and safety during the COVID-19 pandemic, including remote proceedings. Another third of the trials took place in 2018 or 2019 while the remaining trials took place in 2017 or earlier.

### CASE TYPES



## Survey Responses Compared to 2007 SOS Survey

Overall, the response rate to the 2023 SOS Survey was not quite as robust as the 2007 edition. Survey fatigue has certainly grown worse since 2007, which likely contributed to the decreased response. In addition, many state and local court leaders were understandably focused on recovering from disruptions related to COVID-19 and may simply have lacked the bandwidth to assist in distributing the surveys and encouraging participation by their peers. The 2023 Judge & Lawyer Survey

had approximately half the responses of the 2007 Survey, but the characteristics of the overall respondent pool and trials are very similar to the previous SOS Survey.

Similarly, the Local Court Survey response rate was down by 26% in the 2023 SOS Survey compared to the 2007 SOS Survey. The 2007 Local Court dataset included 1,337 responses reflecting 1,546 unique counties in 49 states and the District of Columbia. Collectively, these courts served 70% of the total

U.S. population. The 2023 Local Court dataset includes 1,239 responses reflecting 992 unique counties in 46 states, the District of Columbia, Puerto Rico, and the Northern Mariana Islands, which collectively serve 57% of the US population. The 2023 SOS Survey retained participation by urban and large suburban counties, proportionately, but lost participation by rural and smaller suburban counties. Another major difference is a

larger proportion of limited jurisdiction court responses in the 2023 Local Court dataset, which sometimes resulted in multiple reports from courts conducting jury operations independent of each other within the same county. Although the total number of respondents was lower, the 2023 SOS Survey provides greater insights about jury operations in limited jurisdiction courts.

## 2023 SOS Survey Briefing Papers

Like its 2007 predecessor, the 2023 SOS Survey spans an enormous range of diverse topics that are challenging to present completely and coherently in a single publication. Consequently, the 2023 iteration of the SOS Study features a series of briefing papers on topics that generate the most attention within the American justice system. The topics include:

- Priorities for jury improvement efforts in state courts
- Criminal jury trials;
- Civil jury trials;
- Voir dire practices;
- Race and the American jury;
- Jury trials during COVID-19;
- Jury trial innovations;
- Performance measures in jury operations; and
- Jury operations in state courts.

In addition, NCSC expects to publish shorter pieces on high-profile trials, implicit bias, juror misconduct, juror stress, the use of trial consultants, and other unique or emerging issues related to juries and jury trials. Finally, much of the data collected for the 2023 SOS Survey will be posted as interactive graphics on the Strengthening the Sixth and NCSC Center for Jury Studies websites.



## Acknowledgements and Disclaimers

NCSC is grateful to the judges, lawyers, law professionals, jury managers, and court clerks that graciously agreed to participate in this study. We are also specifically grateful to the Chief Justices, State Court Administrators, and our Strengthening the Sixth project partners who assisted with the nationwide survey distribution process. Finally, we owe a debt to our Strengthening the Sixth colleagues, Bonnie Hoffman, Monica Milton, Venita Embry, and Beth Husted, and to our NCSC colleagues Chris Wu, Patti Snell, Breanne Harris and Melissa Woods for editorial oversight, advice on user-friendly design, and steadfast support and patience bringing this project to completion.

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## Appendices: Local Court and J&L Surveys

Local Court survey: <https://nationalcenterforstatecourts.box.com/s/3tf4wnlxm7jhwtelmb72rrbjg0kxo98l>

Judge/Lawyer survey: <https://nationalcenterforstatecourts.box.com/s/a2w8yr99kkyolun6l79bhbp8pp3ghn3g>



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