



CONTINUING JURY REFORM IN NEW YORK STATE



JANUARY
2001
REPORT

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TRIAL BY JURY: a bulwark of American democracy; a protection for litigants; a vital link between the legal system and community values; a cherished opportunity for citizens to participate in the administration of justice. Every State Constitution, as well as the United States Constitution, guarantees the right to trial by jury.

Regrettably, the reality of jury service did not necessarily measure up to the rhetoric. For many citizens, jury service had become more like a tax audit or root canal than a proud example of democracy.

Recognizing the importance of the jury system to all three of its beneficiaries—the litigants, the justice system and the citizenry—in 1993 the New York State court system constituted *The Jury Project*, a broad-based task force to study the subject of juries top to bottom and recommend improvements. Since receiving its excellent report in March 1994, we have been engaged in comprehensive reform, and the momentum is enormously exciting.

In the years since March 1994, the subject of public trust and confidence has emerged as a topmost concern for the Third Branch. Court systems nationwide have come to realize that public respect—essential to everything the Judiciary does—also has eroded. In New York, we have initiated many programs to educate the citizenry about our role and function. Jury reform heads the list. With more than 650,000 jurors annually in New York State alone, what better opportunity could we have to promote public trust and confidence than to show our jurors—many having their initial firsthand encounter with the courts—a system that works fairly and efficiently, respects their time and their lives, and values their service?

As jury reform has proceeded in New York, we have chronicled our progress in two reports—*Jury Reform in New York: A Progress Report on a Continuing Initiative*—the first in October 1996, the second in March 1998. In this, our third report, I renew our commitment to do better and better, and add two further messages.

First, later this month we co-host a first-of-its-kind Jury Summit in New York City, bringing together judges, lawyers, court administrators, scholars, former jurors and others from across the nation to brainstorm with us about juries. By showcasing New York's progress in jury reform, this report is also a tool for the Summit, enabling us to learn from, and inspire, one another. Second, especially in a system the size of ours, jury reform is a huge endeavor, reaching into every aspect of our work. While much remains to be done, we should not lose sight of what has been accomplished—most notably, a tremendous increase in our pool of first-time jurors, allowing a fairer distribution of the benefits and burdens of jury service. From a time, not all that long ago, when jury service was two weeks minimum, with callbacks every two years, we are today—virtually Statewide—at one day/one trial, with intervals of at least four years. For every one of you who helped make that possible, you have the enduring gratitude of the Chief Judge.



JURY SUMMIT 2001, a nationwide conference in New York City co-hosted by the New York State Unified Court System and National Center for State Courts, seemed a very good occasion for a publication on the history of New York's ongoing program of jury reform. Since the Summit will involve study and discussion of the latest trends in jury system administration and jury trial innovations, with justice system professionals from around the country, it is an ideal time to review our efforts in New York.

Jury improvement in New York began in September 1993 with Chief Judge Kaye's formation of a 30-member, broad-based task force called *The Jury Project*, chaired by then-lawyer Colleen McMahon (now a United States District Judge). With hundreds of thousands of citizens summoned annually—most of them highly dissatisfied with their experience—no one needed to ask why the *Project* was undertaken. Within six months, the task force produced a remarkable report that became our blueprint for reform.

In the nearly seven years since issuance of the task force report, the court system, in collaboration with the legislative and executive branches, the bar and others, has labored to accomplish jury reform. No one expected, in a system as large and complex as ours, that the process would change overnight, and it has not. Nevertheless, we can point to tangible gains, as we do in the following pages. Jury service is central to our system of justice. Moreover, it is often the only opportunity citizens have to see for themselves how our State courts actually function. We are, therefore, committed to making the jury system as efficient, convenient and productive as possible.

Although our improvements have focused primarily on trial (“petit”) juries, many of those reforms have also benefited grand juries. Nonetheless, a more concerted effort to address grand jurors' complaints resulted in *The Grand Jury Project* report published in 1999. Thus, our efforts at grand jury improvement, now underway, will be summarized as well.

TRIAL JURY IMPROVEMENT

CHAPTER I: INCREASING THE POOL OF AVAILABLE JURORS

As a matter of both federal and New York State constitutional law, the concept of a jury trial contemplates a panel drawn from a “fair cross section of the community.” New York’s Judiciary Law Section 500 sets the template:

It is the policy of this state that all litigants in the courts of this state entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the county or other governmental subdivision wherein the court convenes; and that all eligible citizens shall have the opportunity to serve on grand and petit juries in the courts of this state, and shall have an obligation to serve when summoned for that purpose, unless excused.

The *Jury Project* concluded that, with its multiple source lists, New York was already in the forefront of attempting to maximize the inclusiveness of jury pools, but that it might be possible to do even more. Obviously, the first order of business was to increase the pool of available jurors. Larger jury pools are more likely to be representative of the community. They are also essential for reducing the frequency and duration of service, and they spread the benefits and burdens of jury service more fairly. Increasing the pool of available jurors was thus a critical first step in jury reform.

A. Bringing New Faces and New Occupations Into Jury Rooms: Repeal of Automatic Exemptions and Abolition of “Permanent Qualified Lists”

Until January 1996, New York had the dubious distinction of having the longest list of automatic jury exemptions in the United States. Pharmacists and embalmers, podiatrists and prosthetists—these were but a few of the more than 20 callings automatically exempted under Judiciary Law Section 512. Others—like judges and mayors—were automatically disqualified under Section 511. Considered by some to be the jury system’s single greatest inequity, the exemptions alone deprived the State of the service of approximately one million citizens and caused resentment for millions more.

As far back as 1930, legislation was proposed to abolish virtually all automatic exemptions, but the bill died in the Legislature due to organized opposition by those whose exemptions were threatened. Repeal was still difficult in the 1990’s. In the end, this centerpiece of the reform program won crucial support from the legislative and executive branches, and in 1995 a bill abolishing all automatic exemptions and disqualifications was passed and signed into law.

Given the huge number automatically excluded from service, New York had the practice of using Permanent Qualified Lists. Counties would develop lists of qualified jurors roughly equivalent to the number needed for a jury summoning cycle. This list would become the permanent basis for summoning, with new names added only when a person on the list died, moved or became disqualified. Those on the list were summoned

repeatedly, and those not on the list were never called. Like the automatic exclusions, Permanent Qualified Lists have been discontinued.

Ending disqualifications, automatic exemptions and Permanent Qualified Lists meant that, across the State, many more first-time jurors were filling jury rooms. In 1995, fewer than a third of those completing the juror exit survey reported being first-time

jurors. By 1999, over half were first-timers. In some counties, like Westchester, Monroe and Onondaga, roughly 80 percent were first-timers.

Now, not only new faces but also new occupations appear in the jury box, with judges and lawyers among the most conspicuous additions. Requiring all professions to report for jury duty obviously expands the pool and promotes fairness in the system. It also has other beneficial effects, giving those who work within the justice system an opportunity to view it from another perspective. Indeed, several lawyers have commented that observing proceedings from the other side of the jury box brings a new appreciation of the tedium caused by lengthy, unfocused examinations.

AUTOMATIC EXCLUSIONS FROM JURY DUTY UNTIL JANUARY 1, 1996

- A member of the clergy or Christian Science practitioner officiating as such and not following any other calling
- Any of the following if licensed and regularly engaged in the practice of his or her profession:

physician	dentist
pharmacist	optometrist
psychologist	podiatrist
registered nurse	practical nurse
embalmer	Christian Science nurse
physical therapist	
- A prosthetist or orthotist by profession or vocation
- An attorney regularly engaged in the practice of law as a means of livelihood
- Police officer or corrections official or officer
- Firefighter (or exempt volunteer firefighter as defined by statute)
- Sole proprietor or principal manager engaged full time in operating a business as a means of livelihood, if the business employs fewer than three other people
- A person seventy years of age or older
- A parent, guardian or other person residing with a child or children under the age of sixteen and having principal day-time child care responsibilities.

The above were exempt, and the following were disqualified: active members of U.S. armed forces; elected officers or heads of civil departments of federal, state, city, county, town or village government; members of public authority or state commission or board; the secretary to the governor; a federal judge or magistrate; a judge of the unified court system.

JURORS SERVING FOR THE FIRST TIME IN SELECTED COUNTIES* 1999

New York	59%
Kings	61%
Bronx	52%
Queens	57%
Richmond	59%
Nassau	68%
Suffolk	67%
Westchester	78%
Erie	74%
Monroe	85%
Onondaga	84%
Albany	77%

* These counties account for 87% of all jurors summoned Statewide.

B. Expanding and Updating Jury Source Lists

New York has long been a leader in the use of multiple source lists—those lists of names from which jurors are summoned. At a time when many states were using only one or two source lists (most commonly, voter registration and driver’s license), New York used three—voter registration, driver’s license and State income tax mailing lists.

The Jury Project found that our three lists identified about 90 percent of the eligible jurors in the State. To expand the potential pool even further, The Jury Project expressed support for then-pending legislation to add both unemployment and public assistance rosters to the master source lists. The bill was passed and signed into law in July 1994, adding almost 500,000 new names to the jury rolls and further increasing the inclusiveness of the State’s jury system. The new law also prohibited unauthorized use or disclosure of the names appearing on those lists.

Another *Jury Project* recommendation was to improve the accuracy of the master source lists, which were not systematically updated. Today, the court system updates all information at least annually, and has contracted with a national computerized change-of-address service. Using United States Postal Service information, this service has corrected nearly 15 percent of the addresses on the master source lists, saving the court system approximately \$200,000 annually in postal charges for undeliverable juror questionnaires and increasing the number of persons who actually receive the questionnaires.

New solutions sometimes expose new problems. More source lists obviously increase the possibility of duplication of names. With the help of special software designed to identify and eliminate duplicates, we regularly review the information gathered from our five source lists. We have made substantial improvements, but the problem has not been eliminated. While the software identifies and purges duplicate entries, it cannot readily detect every duplication due to typographical errors, inconsistent last name hyphenation, inconsistent use of first names or middle initials and various address discrepancies.

The court system is currently arranging to outsource the task to a private vendor that has developed advanced software capable of identifying and correcting nearly every conceivable basis for duplication. We are taking this step not only to make the process more efficient, but also to avoid inconvenience to potential jurors.

Letter from Lawyer-Juror

This was the first time I had actually been called for jury service. Much to my surprise, I was selected to sit on a jury and did so for two weeks in a medical malpractice action where we eventually deliberated and rendered a verdict. As someone who has been a litigator for over thirteen years, I learned a great deal from the perspectives held by my fellow “lay” jurors about attorneys and the judiciary.

And while jury service was disruptive to my busy home and work life, the court’s staff was consistently organized and friendly throughout the two weeks. The court officers as well as the judge frequently told us that our comfort was important to them and that they recognized the difficulty often inherent in serving as a juror.

After our verdict, the judge spent considerable time thanking us for our service and reminding us of our important role as jurors. For a true believer like myself this was unnecessary, but I know his remarks on that day and throughout the trial impressed the other jurors, all of whom commented that his behavior contradicted their own, more cynical notions of how a judge would behave. I think all the jurors on my panel would, disruptions aside, welcome the opportunity to serve again.

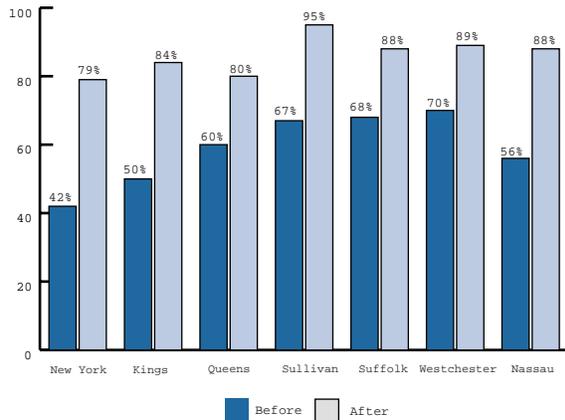
C. Enhancing Enforcement

The Jury Project found that the “failure of many New Yorkers to return their jury questionnaires is acute and contributes mightily to both the shortage of jurors and the possible non-representativeness of venirees.” Indeed, as the report noted, in some counties more than half the citizens who received qualification questionnaires never mailed them back, and little or no effort was made to follow up or improve compliance.

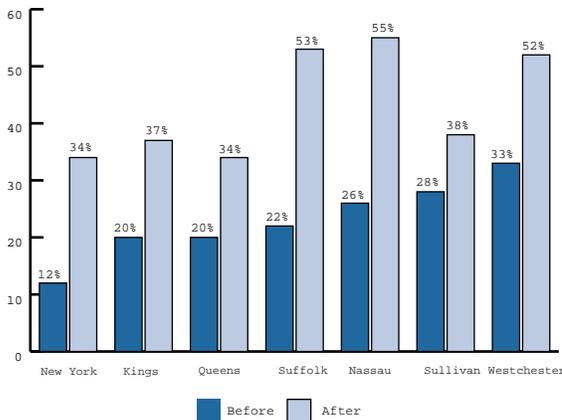
To remedy this situation, New York counties have implemented “high tech” follow-up procedures that have achieved significant improvement. They can scan bar-coded juror qualification questionnaires into microcomputers quickly for uploading into a mainframe system. If the juror does not respond within six weeks, the system can generate a follow-up notice with a second questionnaire attached.

These follow-up procedures have significantly increased response rates in many counties and have contributed to increases in qualification rates (that is, the percentage of questionnaires mailed out that actually produce qualified jurors). The improvement in New York County was especially marked, where the response rate rose from 42 to 79 percent and the qualification rate climbed from 12 to 34 percent in just one year.

Response Rates Before and After Follow-Up In Selected Counties



Qualification Rates Before and After Follow-Up In Selected Counties



Many suburban and rural counties have achieved similar results. Collectively, these enforcement efforts have added an estimated one million potential jurors Statewide. If, however, mailings have failed to elicit a response, the system can automatically generate a notice directing the individual to appear in person.

In several counties, additional follow-ups may precede a notice to appear. In New York County, for example, individuals who have not responded to the questionnaires are sent follow-up

notices that warn them of possible sanctions.

Similar follow-up notices are generated to those who do not respond to the summons. The Unified Court System is now testing an automated summons noncompliance program that can be used Statewide. Several counties, such as New York, Kings, Bronx, Nassau and Suffolk, conduct aggressive follow-up procedures for those who fail to respond to the summons.

Sanctions for failure to appear include a fine of up to \$250 *plus a date certain for jury service*. The appearance in court, however, need not be a disagreeable experience. As one reader recounted for *The New York Times* Metropolitan Diary column:

It is 10:30 A.M. on a Friday at 80 Centre Street, office of the County Clerk. After years of dis- carding summonses to jury duty, I have appeared today before the judge as requested and state my case.

I am a steadily working opera singer and when not working need to be available for any audi- tions.

“The fine for such negligence,” the judge says, “will be \$250 or”— pause — “you can sing for me.”

I sing Carmen’s Habanera.” Everyone applauds, he smiles, reduces the fine to \$10, and I have a date for jury duty in September.

The New York Times, May 15, 1996, at p. C2.

Top Juror Excuses

My cat had kittens.

I have medical problems—I can show you my scars.

I have hemorrhoids and can’t sit still.

You mean I had to notify the court that I couldn’t make it?

When my husband and I split up, I moved and he never forwards my mail.

My dog ate the summons. Really.

—As reported in an article in The New York Times

I’ve had jurors who couldn’t serve because their dog or cat was in heat and needed them. I had elderly twin women who claimed they could not be separated—that they went everywhere together. But one that stands out in my mind is a man who asked for a year off because he was stacking wood and burying Mother. I said to him: “If I call you the same time next year, you’ll still be stacking wood, won’t you?” He said, “Yes, but I shouldn’t be burying Mom.”

—From a Jury Commissioner

A physician came up to our counter in the front of our Central Jury Room and stated that he could not serve as a juror because he did not speak English. I said: “Doctor, if you do not speak English, how do you speak to your patients?” He replied in a very heavy accent, “All my patients are of my nationality and we all talk in our native language.” I thought for a moment and said, “Doctor, how do you give orders to your medical staff—you know, your nurse and your receptionist?” He replied, again in a very heavy accent: “All my employees are of my nationality and we speak in our native language.” I scratched my head and thought for a moment. I finally said, “Doctor, how do you fill out the insurance forms?” He stared at me for a moment, and without saying a word, turned around and sat down in the auditorium with the rest of the jurors.

—From a Jury Commissioner

NOTICE OF NON-COMPLIANCE FAILURE TO RESPOND TO SUMMONS FOR JURY SERVICE

INDEX # 31

TO:

PLEASE TAKE NOTICE that pursuant to Section 527 of the Judicial Law of the State of New York you are hereby charged with failure to respond to a summons for jury service to begin on

You are hereby required to respond to the above charge within 20 days of the date of this notice by checking the appropriate box at the bottom of this form, signing your name, and returning this form to:

NORMAN GOODMAN
NEW YORK COUNTY CLERK AND CLERK OF THE SUPREME COURT
P. O. BOX 3416 CHURCH STREET STATION
NEW YORK, NEW YORK 10008-3416

Your response will be submitted to the Supreme Court, New York County. If you admit the conduct charged, or if the charges are sustained after a hearing, you will be ordered to perform jury service at a future date certain, and the Court also may impose against you a financial penalty, not to exceed \$250.00. If you admit the conduct charged in this notice or request a hearing, you will be advised by the Court of a hearing date at which you will be required to appear in court. You may be represented by an attorney at this hearing.

Failure to respond to this notice shall be deemed an admission of the conduct charged, and a default judgement may be entered against you by the Supreme Court for a penalty in an amount up to \$250.00, together with an order directing that you perform jury service at a future date certain.

Norman Goodman
County Clerk of the Supreme Court

DATE:

RESPONSE TO CHARGES

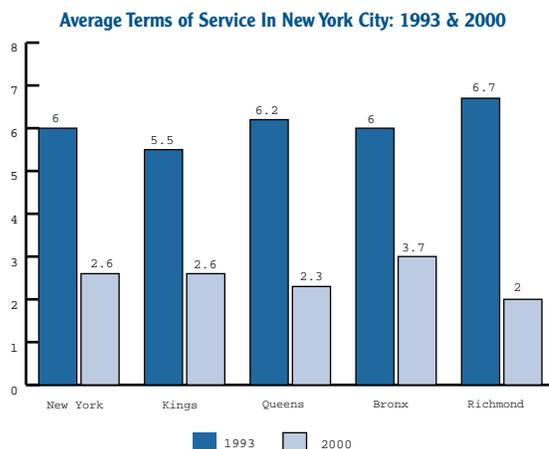
- () I admit the conduct charged in this notice
() I request a hearing before a judge or judicial hearing officer.

(Signature)

CHAPTER 2: REDUCING THE BURDENS OF SERVICE

A. Shortening Terms of Service

Reducing the length of jury service is the most effective means of reducing the burden of jury duty. Traditionally, terms of service have varied widely across the State, ranging

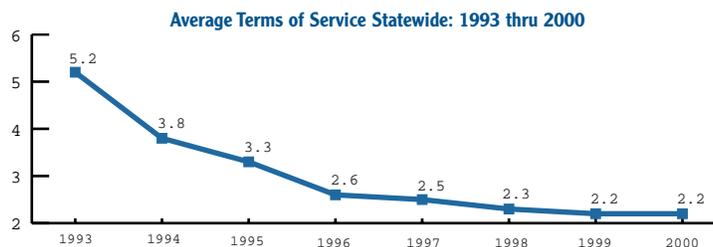


from two weeks to “one day or one trial”—meaning release after one day of service unless selected for a jury or involved in jury selection proceedings. Today, the court system adheres to the goal of one day or one trial for all counties in the State.

With expanded jury pools and improved juror management techniques, 60 of the 62 counties in the State have now achieved a one day/one trial term of service, and the two remaining counties (New

York and Bronx) have substantially reduced their terms.

Reflecting these improvements, the Statewide average term of service, previously more than five days, now stands at 2.2 days—a decrease of more than 50 percent since jury reform began.



B. Lowering Frequency of Service

State law generally provides for a four-year period of disqualification following jury service, except in those counties where chronic juror shortages necessitate a two-year disqualification period. In 1993, 17 counties (New York, Bronx, Kings, Queens, Greene, Jefferson and the entire Fourth Judicial District) were on a two-year summoning schedule. Today, all 62 counties in the State operate on a four-year (or longer) summoning cycle. For jurors selected on cases that last 10 or more days, the ineligibility period has been extended to eight years.

For some time, jury duty in the Town and Village Justice Courts did not count toward the periodic exclusion from resummoning, and citizens serving in such courts could be called again for service in another court in their county within the exclusion period. In August 1998, thanks to new legislation, Town and Village Justice Court jurors began receiving credit for their jury service.

To be deemed ineligible for future service under New York law, a person need not actually have been impaneled. That question arose in a recent case in which the State's highest court held that responding to a summons by either actual physical attendance or telephone standby service was sufficient to trigger the four-year disqualification period.

Ineligibility for future jury service in New York State courts will also result from jury service as a petit or grand juror in federal court. The New York federal courts, which limit jury service to once every two years, will also consider service in State court in determining its two-year period of ineligibility.

C. Increasing Juror Compensation

The Jury Project found that New York's juror compensation system was inadequate, cumbersome and costly to administer. Under the law then in effect, jurors received carfare (calculated as two subway tokens for New York City jurors and 15 cents per mile for all other jurors) and \$15 per day (unless paid by their employer during jury service). This system imposed a hardship on those jurors whose employers did not continue their full salary during jury service, and the often minimal (and somewhat inequitable) transportation allowance created substantial paperwork. *The Jury Project* recommended that juror compensation be increased to \$40 per day (as in the federal courts), inclusive of transportation.

The court system included a proposal on juror compensation in its 1995 legislative program, and a bill revising the compensation system was signed into law that year. Under the new law, compensation for eligible jurors was increased to \$27.50 in February 1997 and then to \$40 in February 1998.

The court system has also heeded the recommendation for prompter payment of jury fees. Improved administrative procedures and expanded use of scanning technology have reduced the average time for processing payments by two to three weeks.

Juror Compensation Nationwide	
State	Fee Per Day
Alabama	\$10
Alaska	\$25
Arizona	\$12
Arkansas	\$20
California	\$5 (minimum unless county stipulates higher fees)
Colorado	\$0 for first 3 days, then \$50 (including expenses to unemployed jurors)
Connecticut	\$0 for 5 days, then \$50 (employer pays full-time employed jurors regular wages for first 5 days; part-time employed jurors and unemployed jurors are reimbursed for out-of-pocket expenses)
Delaware	\$20
District of Columbia	\$0 for first day, then \$30
Florida	\$15 for first 3 days, then \$30
Georgia	\$5-\$35

continued on next page

Juror Compensation Nationwide

State	Fee Per Day
Hawaii	\$30
Idaho	\$10 per half day
Illinois	\$4-\$15.50, varies among counties
Indiana	\$7.50 if not selected, \$17.50 if selected
Iowa	\$10
Kansas	\$10
Kentucky	\$12.50
Louisiana	\$12 for civil cases, \$12-\$25 for criminal cases (except Orleans Parish civil cases are \$16) for attendance in court
Maine	\$10
Maryland	\$10-\$20, varies among counties
Massachusetts	Employer pays first 3 days, then State pays \$50 (plus expenses to unemployed jurors, which may be paid from first day of service)
Michigan	\$15 minimum
Minnesota	Rate set by Supreme Court
Mississippi	\$25
Missouri	\$6
Montana	\$25
Nebraska	\$35
Nevada	\$15 for first 5 days, then \$30
New Hampshire	\$10 per half day
New Jersey	\$5
New Mexico	State minimum wage
New York	\$40
North Carolina	\$12 for first 5 days, then \$30
North Dakota	\$25
Ohio	Varies among counties
Oklahoma	\$20
Oregon	\$10
Pennsylvania	\$9 for first 3 days, then \$25
Puerto Rico	\$20 minimum per day
Rhode Island	\$15
South Carolina	\$2-\$12
South Dakota	\$40
Tennessee	\$10 minimum; may be supplemented by local body
Texas	\$6-\$50, varies among counties
Utah	\$18.50 for first day, then \$49
Vermont	\$30
Virginia	\$30

Juror Compensation Nationwide

State	Fee Per Day
Washington	\$10-\$25, varies among counties
West Virginia	\$15
Wisconsin	\$16 minimum per day
Wyoming	\$30 for first 5 days, then \$50 at discretion of the court
Federal Courts	\$40 (a juror required to attend for more than thirty days may be paid, at the discretion of the trial judge, an additional fee not to exceed \$10 per day)

Source: U.S. Department of Justice, Bureau of Justice Statistics, State Court Organization, 1998, at Table 40, pp. 269-72 (publ. June 2000).

D. Minimizing Sequestration

New York was, until recently, the only State in the Union that mandated sequestration of deliberating juries in *every* criminal case. This singular approach disrupted the lives of thousands of jurors and cost the State millions of dollars every year in food, lodging and court employee overtime expenses.

At the urging of the court system, the Legislature passed a law, effective July 1995 through March 1997, that allowed judges in all but the most serious cases to decide, in their discretion, whether sequestration should be ordered. In March 1997, pursuant to the statute, the court system conducted a detailed analysis of the law's impact and found that it had spared nearly 6,000 New Yorkers the burden of separation from their homes and families and saved the State nearly two million dollars. After the issuance of the court system's report, the Legislature extended the law through June 1999. By April 1999, an update found that over 14,000 New Yorkers were spared sequestration, saving the State nearly \$3.5 million over a four-year period. Subsequently, the Legislature extended the law through April 2001. Automatic sequestration of deliberating juries continues in the most serious cases. The court system continues to believe that sequestration should always be discretionary with the trial judge.

The court system is also undertaking a comprehensive review of accommodations for jurors sequestered in New York City. Although New York's increasing attractiveness to tourists has resulted in severe limitations in available space, we have adopted new procedures to ensure that jurors who must be sequestered are sent only to hotels that have been certified for adequate levels of comfort and service.

E. Providing Automatic Postponement by Telephone

Sometimes citizens need to defer their jury service. While deferrals have long been routinely granted across the State, policies varied widely from county to county. For example, some counties allowed only one or two automatic deferrals; others permitted five or six. Noting that such practices did not foster public respect for the jury system, *The Jury Project* recommended that they be standardized in a way that balanced juror convenience, fairness and the needs of the court system.

The court system sought and obtained legislative reform that guarantees every prospective juror one postponement of jury service—automatically, over the telephone—for up to six months. The new law also mandates that further requests for postponements be determined according to Statewide standards promulgated by the Chief Administrative Judge (see Appendices A & B).

Since enactment of this legislation, we have installed automated telephone systems in nine of the largest counties in the State: Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk, Westchester and Erie. New York County’s system is typical: Jurors can automatically postpone their first summons for up to six months, usually to a specific date of their choice, simply by dialing **(212) 748-5300** at any hour of the day or night. Statewide, automatic telephone systems now handle more than 40,000 postponement requests each month.

F. Extending Office Hours and Increasing Telephone Access

Since January 1995, Commissioners of Jurors across the State have extended their office hours so that citizens can request deferrals or make other inquiries at times outside the traditional working day. In rural areas where long distances make personal visits inconvenient, we have expanded toll-free telephone lines and voice-mail service. For example, in the Seventh Judicial District (which covers the counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates), a 24-hour “800” number, for residents who live outside the local calling area, provides answers to frequently asked questions about the juror qualification form.

By the end of 2000, jurors were able to make inquiries, as well as find out about their service, on the Web (www.nyjuror.com).

CHAPTER 3: STREAMLINING JURY SELECTION

When the court system established its “**juror hotline**” in 1994, one of the most common complaints we heard involved time wasted during the jury selection process (also known as “voir dire”) in civil cases. (Civil voir dire, in contrast to criminal voir dire, was not supervised by judges.) Many jurors told similar stories: voir dres that dragged on for days or even weeks with no judicial supervision; boring and repetitive questioning by attorneys; frequent, unexplained delays and interruptions; settlement of cases immediately after jurors endured the tedious, time-consuming process.

The Jury Project concluded, “Something is wrong with civil jury selection in New York and something can and should be done about it.”

A. The Civil Voir Dire Study and Rules

The court system, working collaboratively with the bar, established a pilot project to gather data on civil voir dire and test possible reform measures. Over a four-month

period, 55 judges in four court locations participated in controlled studies of judicial supervision of some or all of the voir dire, alternative methods of jury selection, time limits on attorney questioning, use of non-designated alternates (that is, not distinguishing between alternate and trial jurors until the end of the trial) and mandatory settlement conferences immediately prior to jury selection.

The pilot projects' results were published in a 172-page Civil Voir Dire Study, which documented that judicial supervision reduced the length of the voir dire, the amount varying with the extent of judicial involvement. It also found that voir dire conducted with time limits were shorter than those without, and that the differences were statistically significant.

After a five-month public comment period, the Administrative Board of the Courts adopted new rules on the conduct of voir dire in civil cases, drawing on the data compiled by the study as well as the public comments received.

These rules, effective January 1, 1996, seek to enhance the efficiency and dignity of the selection process. To discourage the use of jurors as settlement tools, the rules mandate a settlement conference immediately before commencement of jury selection. To encourage judicial management of the process, they require that a judge preside at the commencement of the voir dire and continue supervision or set time limits for questioning.

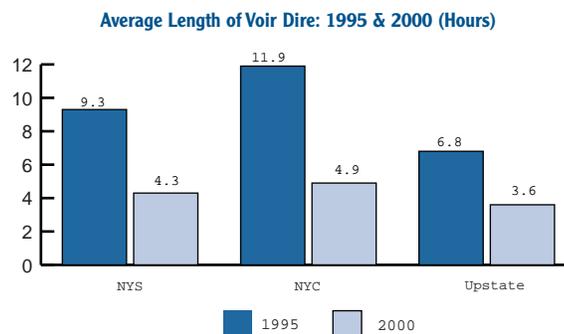
The rules also describe those methods of jury selection found to be most efficient in the pilot study, and require the judge to designate one of the methods for selection in a given case. These rules have had a demonstrable impact on the length of civil voir dire, with the Statewide average length of civil jury selection dropping nearly 50 percent in four years. To aid implementation, the court system has promulgated a *Civil Voir Dire Guide* (available at www.nyjuror.com) for judges and attorneys that explains the rules in detail.

We are continuing to work with the bar to ensure that the voir dire process minimizes juror inconvenience while preserving the attorney's important role.

B. Non-Designated Alternate Jurors

The standard practice in New York courts, by statute, is to make a distinction between alternate and regular trial jurors. Experience has shown that alternate jurors do not devote the required attention to trial proceedings until they are actually substituted for discharged trial jurors. *The Jury Project* recommended that the statute be amended to provide for a system whereby alternate jurors are not chosen until just prior to deliberation.

The Civil Voir Dire Study included pilots that experimented with non-designated alternates on consent of the parties. The responses from judges and attorneys supported adoption of non-designated alternate jurors as a standard practice in the State. Voir dire were more efficient and prospective jurors more attentive under this approach. As a result, the court system established a procedure to be followed for the use of non-designated alternates upon the parties' consent. Under this system, jurors do not know



who among them will deliberate until the clerk randomly selects jurors just before deliberations begin. Thus, all jurors will have a strong incentive to pay close attention to the trial proceedings and, ultimately, be better prepared to participate in deliberations.

C. Peremptory Challenges

Peremptory challenges are challenges made during voir dire to excuse a potential juror from a panel without giving any reason.

The Jury Project found that the number of such challenges allowed in civil cases under New York's statute (three per party, plus one additional for each alternate juror) exceeded nationally recommended standards and lengthened the voir dire process. The abundance of peremptories also increased the number of citizens required to be summoned, and increased the possibility that challenges could be used to exclude prospective jurors on the basis of race or some other impermissible reason.

In 1996, the Legislature enacted a bill supported by the court system that reduced the number of peremptory challenges in civil cases from three per party to three per side, with one challenge for every two alternates. (Currently, about half of the civil cases that go to trial involve more than two parties.) This new law also authorized judges to increase the number of peremptories per side when deemed appropriate, and in cases where a side has two or more parties, to allocate the side's combined total challenges among those parties.

In criminal cases, New York permits an extremely high number of peremptory challenges. *The Jury Project* found this to be the "one noteworthy exception" in concluding that the basic system for jury selection in criminal cases works well. We will continue our effort to obtain legislative reduction of peremptory challenges in criminal cases.

CHAPTER 4: USING JURORS' TIME EFFICIENTLY

While the court system has traditionally emphasized efficient use of judges' and lawyers' time, equal attention should be given to the use of the time of citizens taken from their everyday lives to perform jury service. Several new measures address this issue of effective juror utilization.

A. Discontinuing "Jury Stacking"

Jury stacking occurs when the number of civil cases sent out for jury selection far exceeds the number of judges available to try them. Once a panel is selected in a stacking system, jurors are told they will have to return to hear the case at some point in the future. Noting that in some counties the delay in the commencement of trial was as much as two to three weeks, *The Jury Project* rightly labeled this practice "a disaster for both jurors and litigants."

To address this problem, the Chief Administrative Judge has promulgated a rule that authorizes the disbanding of any jury if the trial is not commenced within five days of the panel's selection (NYCRR § 128.8[a]). To promote compliance with this rule, the court system recommends a “1-1-1” rule of thumb based on the number of judges available to hear jury trials at any particular time. A court should have no more than one jury on trial, one being selected and one waiting to be picked for each such judge.

B. Establishing Telephone Call-in Systems

Citizens should not be required to put their lives on hold simply to wait all day in a jury assembly room. While some amount of waiting is inevitable given the size of our system and uncertainties of the trial process, telephone call-in systems are one way to reduce clearly avoidable waiting time.

We note, with sadness, the recent passing of Nicholas A. Federici, Executive Assistant to the Administrative Judge, Ninth Judicial District, for his pioneering work in jury call-in systems. His installation of a call-in system for jurors to check on their assignments resulted in annual savings of more than \$250,000 in juror fees.

Now, all counties have a call-in system to inform jurors whether they need to report after their first day of service, and the vast majority have call-ins for the first day as well. These systems are being expanded so that jurors who are selected can call in each day to learn if, and when, they are expected to come in (see Appendix C).

C. Improving Juror Utilization

To ensure that all jurors who report are given an opportunity for active participation during their term of service, the Chief Administrative Judge has directed that no juror be sent out for a second voir dire until every juror has been sent out for a first voir dire. With increased attention to this issue, the juror utilization rate (that is, the percentage of jurors who report to jury service and are sent out for voir dire) now stands at 97 percent in the State's high-volume counties.

Clearly, though, much more needs to be done to promote efficient use of juror time. The court system has sponsored Juror Utilization Workshops for New York City Jury Commissioners and court administrators to encourage them to find ways to reduce juror downtime (see Appendix D). We have also held forums on juror utilization issues at the annual statewide judicial education seminars, and plan to continue these training efforts with a written guide to juror utilization issues. In addition, we have developed a Statewide monitoring system of juror utilization.

CHAPTER 5: JUROR FRIENDLY COURTHOUSES

A. Improving Juror Facilities

“Depressing,” “grimy,” “filthy,” “simply awful”—these are the words of jurors who described the buildings where they had expected to encounter the majesty of the law

when they reported for jury service. What many of these jurors may not have known is that the court system is but a tenant in these buildings. The courthouses themselves are, and have always been, owned and maintained by county governments or the City of New York. Indeed, local government at one time paid all costs of operating its courts.

The current arrangement has existed since the creation in 1977 of the New York State Unified Court System. Under the law passed at that time, the State relieved the localities of the substantial costs of salaries and day-to-day court operations, leaving them solely with the obligation to clean and maintain their facilities. Regrettably, over the decades, many local governments ignored their responsibility or failed to allocate sufficient resources to ensure that these heavily-used buildings were kept clean and in good repair. That problem has been exacerbated in recent years by local governments' fiscal crises.

That intolerable conditions are someone else's fault, however, is not a sufficient answer. The public deserves decent facilities, not excuses. The court system, therefore, included as part of its jury reform program a commitment to provide juror facilities that were safe, clean and comfortable.

Across the State, dilapidated conditions were documented and prioritized. Armed with that information, the court system turned to the localities, pressing them to fulfill their responsibilities. In New York City, for example, the court system submitted more than 600 jury-related work orders to the City in the first six months of 1996, more than in the previous five years combined.

The court system has also used its own scarce dollars to fund improvements when no alternatives were available. Jury assembly rooms received their first new coat of paint in years; outworn furniture was replaced; coat racks, air conditioners and water coolers were purchased. In some courthouses, carrels were installed in assembly rooms for the convenience of jurors who wanted to work while waiting.

In New York City, for example, efforts included painting and carpeting all jury assembly rooms; cleaning and repairing plumbing in all bathrooms in jury areas; painting all jury deliberation rooms; providing new televisions in all waiting areas; painting juror empaneling rooms; adding new or refurbished seating in jury areas; obtaining new signs; and updating the public address system.

Finally, in 1996, the court system sought and obtained legislation authorizing the State to assume responsibility for cleaning and repairing court facilities. We began the process of implementing this changeover in 1998, which should directly address the systemic problems that have impeded the sound management of courthouse facilities for so long.

Jurors have noticed the difference, as letters to the Chief Judge demonstrate:

"Based on previous experience, a recent tour of jury duty in the Civil Courts, First Department (though I did not qualify for a panel) was a revelation in terms of relative comfort of facilities and efficiency and courtesy expressed by courthouse personnel responsible for jury assignment. I congratulate you and thank you for your efforts to bring improvement to jury service in the New York State courts and especially service in New York City."



"Since I had heard some negative stories about jury service in other jurisdictions, I was prepared to deal with the prospect of waiting for hours in a crowded, uncomfortable room with no information. Instead, I am delighted to report that my experience in Mineola was entirely positive."

“Without exception the staff was helpful and informative. Whenever there was any kind of delay in the proceedings, someone explained what was going on. The courtroom, deliberation room, and all of the waiting areas were quite comfortable. Judge Burke met with us after the conclusion of the case and graciously thanked us for our service and made us all feel that we had made a valuable contribution to the judicial system. . . .

“Please accept my appreciation for your excellent organization. I look forward to participating again.”

In a December 2000 report on juror concerns in Manhattan and Brooklyn, the Fund for Modern Courts reported that many jurors praised the improved physical conditions, but others commented on persisting facilities problems, to which we have since turned our attention.

B. Serving the Public Well: Training Our Nonjudicial Employees

A juror-friendly courthouse has more than just comfortable chairs and clean hallways. It also has courteous, professional staff. New York State is fortunate to have large numbers of dedicated clerks, court officers and other nonjudicial employees. Building on this tremendous resource, the court system in 1994 launched a public awareness program to ensure that all citizens coming to the courts—jurors included—are treated politely and appropriately.

Jurors’ exit surveys confirm that they appreciate the efforts of our staff. Over 98 percent of those completing these surveys indicated that they found court staff to be professional and courteous.

Jurors impressed with court employees have taken the time to write to the Chief Judge about their experiences. For example:

“I am writing to convey my appreciation for the work being done by the jury room clerk at Nassau District Court in Hempstead, New York She is doing a terrific job. [She] patiently and with good humor explained procedures and answered questions and . . . gave a clear demonstration of how things can be done right”



“It was a pleasure to serve jury duty this year. I was really amazed at how the entire jury process has been cleaned up and revamped. The court administrator and judge in charge treated us with respect for our time and contribution [and] clearly and concisely explained all aspects of the process, the rules and what to expect I wanted to sincerely thank you and whoever has been responsible for making my jury duty experience worthwhile instead of the sheer drudgery it had been in the past.”

posal would permit a prosecutor to move for an order directing that prospective jurors not disclose their names or addresses. When the motion is heard, the prosecutor must show by clear and convincing evidence that the order is necessary to protect against a likelihood of jury tampering or intimidation. Recognizing that juror anonymity can pose special problems for the defense at trial, our proposal permits the court to enlarge the scope and duration of voir dire. Also, it requires the court to give a precautionary instruction to the jury upon the defendant's request.

CHAPTER 7: GETTING INFORMATION TO AND FROM JURORS

The overall process of providing information to, and obtaining information from, jurors is critical to ongoing reform. Educating and informing jurors about jury service makes their experience more meaningful, while juror feedback helps the court system monitor and evaluate its performance. The best sources of information about the actual functioning of the jury system are, of course, jurors themselves.

A. Juror Summons

The jury summons is a critical part of the process of communication between the court and jurors. New York had been using an antiquated multi-part summons, complete with carbon inserts, that often resulted in distorted or difficult-to-read information. The new summons form is a clear, readable, laser-printed mailer, 9-1/2 x 14 inches, incorporating a scannable juror identification badge (see Appendix E). Jurors have been responding favorably to the change.

B. Juror Orientation Video

In August 1996, the court system premiered a new juror orientation video—*Your Turn*—produced with the support of the New York Bar Foundation, the Ford Foundation and the New York State Local Government Records Management Improvement Fund. Narrated by distinguished reporters Diane Sawyer and Ed Bradley, the film presents information on juries, jury selection and the trial process.



Your Turn has been honored by a jury of its peers, receiving a Golden Eagle Award from the Council of International Non-Entertainment Films.



C. Juror's Handbook

Distribution of a Juror's Handbook—with answers to typical questions, a statement of juror rights and responsibilities, and a glossary of trial-related terms—began in November 1996.



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The Steps of a Jury Trial 17

Juror Rights & Responsibilities 25

Glossary of Terms 27

If you have any questions about jury service or wish to volunteer to serve as a juror please call:

1 - 8 0 0 - N Y - J U R O R

1 - 8 0 0 - 6 9 5 - 8 7 6 7



New York State Unified Court System

D. Juror Newsletter

In the Fall of 1997, the court system began publishing Jury Pool News, a newsletter designed to inform jurors about recent developments in jury service and generally acquaint them with court operations. Distributed to jury assembly rooms around the State, this lively eight-page quarterly includes articles on the latest court initiatives, profiles of people in the courts—from jurors to jurists—and letters from jurors about their jury experience. There's even a crossword puzzle to help jurors pass their downtime.

One juror wrote a rave review to Arlene Hackel, Jury Pool News editor:

What an amazing publication! I've read every word in all three issues [you sent me] and am struck by how well-written the articles are, how varied the topics, and how in-depth the information. Every citizen who shows up for jury duty should get a copy of at least one issue, maybe more. I congratulate you and your colleagues for a very fine job.

I'm hard-pressed to pick my favorite article. Featuring celebrities like Dan Rather, Harvey Keitel and Kristen Talbot is a great idea. Seeing that no one is automatically excused anymore will make the burden lighter for ordinary folks. I especially appreciated the story about Judge Berman's serving for the first time as a juror (Winter 1999). His wisdom and example are compelling. The articles on the Housing Court resource centers (Spring 1999), the Red Hook Community Justice Center (Summer/Fall 1998) and the Children First! Program in Syracuse (Winter 1999) already enable me to sleep better at night. These excellent initiatives, among many others, are more reasons why the crime rate is dropping in the United States. Not too many people know about them though. I'm also happy to have the article on the evolution of the modern-day trial jury (Spring 1999) because it refreshes my memory on points made during the jury video. Finally, including a crossword puzzle in every issue is brilliant. That will hook lots of people who may resist reading every article.

So! I'm once again the lucky one to be able to learn so much about all these innovations and to experience some of their benefits firsthand. Can I get on your regular mailing list?

E. Juror Hotline

One of the first steps taken to improve our responsiveness to jurors was the creation of a toll free telephone line (**1-800-NYJUROR**) for comments, inquiries and complaints regarding the jury system. Since its installation in Spring 1994, thousands of calls have been fielded, including, believe it or not, inquiries from citizens seeking to volunteer for jury service. In such cases, hotline staff take down names and addresses so that their local Commissioners of Jurors can send qualification questionnaires, the first step in the summoning process for all jurors.

Many hotline calls have been complaints about jury service, with wasted time and inadequate facilities the most common problems. Whenever possible, hotline staff seek to correct the problem immediately—by calling court staff to inquire why a panel has been left waiting in a hallway, for example, or by asking that the air conditioning in an empaneling room be adjusted.

As we continue to make improvements in our jury system, the 1-800-NYJUROR calls have shifted from complaints to more practical questions about payment of fees, lost summonses and postponements.

Some calls to the hotline produce results beyond the call of duty. One day, hotline staff relayed to the Kings County Commissioner's Office one juror's complaint that her panel's deliberation room was shabby and filthy. The very next day the juror called to report that not only had the room been thoroughly cleaned and the furniture replaced, but also a bowl of fresh flowers had been left to brighten the site.

SPECIAL HOTLINE HEARS OUT JURORS AROUND THE STATE

(As published in July Pool News, Summer 1999)

Since its installation back in the spring of 1994, the New York court system's toll-free line for juror comments, inquiries and complaints (1-800-NY-JUROR) has fielded thousands of calls from citizens all across the state. The recommendation to implement this hotline—which offers a sympathetic, responsive ear to those who have questions, suggestions or gripes relating

to their jury service—came from The Jury Project, a 30-member task force convened in late 1993 by Chief Judge Judith Kaye to devise a blueprint for improving New York's jury system. Along with starting a juror hotline, The Jury Project made a number of other recommendations that have also come to fruition, including reducing average terms of jury service, increasing juror

pay, eliminating automatic exemptions and upgrading juror facilities.

If you call 1-800-NY-JUROR during business hours, you'll get the voice of a real live court employee at the other end, not a recording. There's a voice-mail system in place for early morning, late evening and weekend calls. The hotline's response team, made up of several Office of Court Administration (OCA) employees located in lower Manhattan, leaves no stone unturned in resolving complaints and answering questions from

JUROR HOTLINE TELEPHONE LOG SUMMARY (NOV. 1, 1998 - OCT. 31, 1999)

COUNTY	CATEGORY						
	Payment of Fees	Payment Responsibility	Payment General	Lost Summons or Questionnaire	Request for Postponement	Financial Hardship	Volunteer
New York	182	132	31	281	124	47	77
Kings	117	112	34	118	95	21	94
Queens	83	67	18	64	70	24	46
Bronx	24	15	3	32	46	12	22
Richmond	7	6	2	14	18	2	10
Nassau	6	33	5	5	20	2	14
Suffolk	4	22	1	3	8	2	18
Westchester	3	3	2	2	4	-	6
Erie	1	3	1	-	-	2	2
Monroe	2	2	1	1	-	1	2
All Other Counties	67	60	10	26	43	18	70
Total (3,268)	496	455	108	546	428	131	361

jurors throughout New York State.

Joan Marra, who spent much of her workday answering the hotline before her retirement from OCA last December, says, “I helped a lot of people via the 800-number and was always very conscientious about following up on the status of every call, whatever the question or complaint.” Ms. Marra recalls being surprised at the variety of calls—including inquiries about juror pay, requests to postpone jury service and offers to volunteer for jury duty—she received during the hotline’s early days. The volume of calls grew steadily until reaching approximately 3,000 a year, all of which are documented and carefully reviewed. “We never rush callers, but

do everything possible to put them at ease, which is why the hotline has been such a great success,” Ms. Marra says with pride.

All the hotline staffers agree that when you call 1-800-NY-JUROR, it’s nearly always satisfaction guaranteed. “People want answers quickly, so we don’t waste any time,” says OCA’s Martha Perez, who takes a lot of the calls. Ms. Perez gets many inquiries from jurors who’ve recently served and want to know when they’re getting paid, in which instance she verifies the juror’s dates of service, finds out when the check is being issued and gets back to the party as soon as she has an answer. She also gets quite a few calls from people asking what to do about a lost jury summons. “One

woman said the dog ate her summons,” laughs Ms. Perez, who told the caller to contact her local commissioner of jurors to find out when to report for jury duty.

The juror hotline was actually the brainchild of OCA Jury Coordinator Anthony Manisero, who remarks that there used to be a lot more calls relating to poor juror facilities. These days, many jurors phone in to say how pleased they are to see cleaner, more comfortable court facilities. Mr. Manisero muses, “Just recently, a juror rang up to report that the bathroom smelled too much of disinfectant. When you start getting ‘complaints’ like that, you know you’re on the right track.” ♦

JUROR HOTLINE TELEPHONE LOG SUMMARY (continued)

CATEGORY

<i>Facilities</i>	<i>Time Wasted</i>	<i>Treatment of Jurors</i>	<i>Questions Re Prior Service</i>	<i>Emergencies</i>	<i>Non-Resident</i>	<i>Grand Jury</i>	<i>Other</i>
6	5	5	68	26	40	18	51
10	12	11	47	21	18	11	46
11	2	5	4	6	11	4	10
1	-	1	8	8	16	3	3
8	2	1	2	6	6	-	2
1	2	1	8	2	2	1	9
-	1	1	12	2	3	1	4
-	-	-	4	1	1	2	5
-	-	1	2	-	1	1	3
-	-	-	2	-	1	1	5
8	19	6	35	5	4	3	68
45	43	32	192	77	103	45	206

F. Exit Questionnaires

In January 1995, juror exit questionnaires were introduced throughout the State as a means of eliciting feedback on the system's performance. Examples of queries for petit jurors include: "Overall, how much of your time was spent in waiting?"; "How would you rate the physical comforts of the jury assembly room?"; "How would you rate the cleanliness of the courtroom?" We provide a similar questionnaire for grand jurors.

We compile responses as received, and then provide each county with periodic reports on their jurors' reactions. Through June 2000, more than 500,000 jurors have completed and returned these forms. These responses are shaping the court system's priorities for further reform.

Analysis of exit questionnaire results shows that:

- In 2000, 85% of jurors served three days or less.
- In 2000, 88% found that their summons was clear and understandable, up from 63% in 1999.
- Nearly 90% believed that the Juror's Handbook adequately detailed the workings of the court.
- Over 98% were treated with courtesy and respect by assembly room and courtroom staff, judges and attorneys.
- Ninety-seven percent felt that their privacy and safety were not compromised during jury selection.
- Seventy-seven percent thought the assembly room, courtroom and deliberation rooms were clean and comfortable.

JUROR QUESTIONNAIRE – Upstate New York

We would appreciate your completion of the following questionnaires. The purpose is to gain information on your experiences and views as a juror. No personal identification on the questionnaire is included, and all answers are confidential. If you have served on jury duty in the past, please answer the following questions in terms of this present jury service. Please complete this survey *once* or at the end of your term of service. Do not rate anything you feel does not apply to your experience as a juror in the New York State Courts.

DATE		MARKING INSTRUCTIONS	COUNTY CODE	
MO	YR		INSTR	COUNTY
		* Use a No. 2 pencil or blue or black ink pen only. * Complete both sides of form. INCORRECT MARKS: ✗ ✗ ✗ ✗ ✗ CORRECT MARKS: ●	ENTER COIN NUMBER HERE	
			01 Albany 12 Delaware 23 Lewis 34 Oswego 45 Dutchess 02 Allegany 13 Essex 24 Livingston 35 Otsego 46 Sullivan 03 Broome 14 Erie 25 Madison 36 Putnam 47 Tappan 04 Cattaraugus 15 Fulton 26 Schoharie 37 Rensselaer 48 Tompkins 05 Cayuga 16 Hamilton 27 Montgomery 38 Rockland 49 Ulster 06 Chautauque 17 Yates 28 Niagara 39 St Lawrence 50 Warren 07 Chemung 18 Seneca 29 Oneida 40 Saratoga 51 Washington 08 Chenango 19 Steuben 30 Onondaga 41 Schoenady 52 Wayne 09 Clinton 20 Herkimer 31 Otsego 42 Schenectady 53 Westchester 10 Columbia 21 Warren 32 Oswego 43 Schuyler 54 Wyoming 11 Cortland 22 Sullivan 33 Orleans 44 Seneca 55 Yates	
		TYPE OF COURT <input type="checkbox"/> City Court <input type="checkbox"/> County/Superior Court <input type="checkbox"/> Surrogate's Court <input type="checkbox"/> Other		
JURY SERVICE				
1. How many days did you report for jury duty?				
<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> 6 <input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9 <input type="radio"/> 10 or more				
2. How many different cases were you questioned for during your term of service?				
<input type="radio"/> None <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> 6 or more				
3. (a) Were you selected to serve on a jury? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, answer b through f below:				
b) Was the judge present during the selection of your jury?				
<input type="checkbox"/> Yes, during the entire jury selection. <input type="checkbox"/> Yes, during the initial selection to introduce the case. <input type="checkbox"/> No, the judge was not present during selection.				
c) About how long did it take to select your jury?				
<input type="checkbox"/> less than 1 day <input type="checkbox"/> 1 day <input type="checkbox"/> 2 days <input type="checkbox"/> 3 days <input type="checkbox"/> 4 days <input type="checkbox"/> more than 5 days				
d) For what type of case were you selected?				
<input type="checkbox"/> Civil <input type="checkbox"/> Criminal				
e) Did the trial start? <input type="checkbox"/> Yes <input type="checkbox"/> No				
f) If the trial started, did your jury render a verdict? <input type="checkbox"/> Yes <input type="checkbox"/> No				
JURY SUMMONS AND ORIENTATION				
T = Yes N = No DK = Don't Know				
1. Was the jury summons which you received clear and understandable? <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> DK				
2. (a) Were you provided with a juror handbook? <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> DK				
b) If yes, did it adequately detail the workings of the courtroom? <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> DK				
3. (a) Were you shown a juror orientation film? <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> DK				
b) If yes, did you find it useful to you as a juror? <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> DK				
EXPERIENCE WITH COURT PERSONNEL				
S = Strongly Agree N = Neutral D = Disagree				
A = Agree SD = Strongly Disagree				
4. Court personnel were always available to offer information and assistance. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
5. The assemblyroom, commissioner of jurors staff was courteous, professional and helpful. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
6. The judge was professional, courteous and helpful. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
7. The courtroom nonjudicial team—clerk, reporter, and court officers were courteous, professional and helpful. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
8. The attorneys were professional and courteous during jury selection. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
9. My privacy or personal safety was not compromised during jury selection. <input type="checkbox"/> S <input type="checkbox"/> A <input type="checkbox"/> N <input type="checkbox"/> D <input type="checkbox"/> SD				
FACILITIES				
E = Excellent G = Good F = Fair P = Poor				
HOW WOULD YOU RATE THE:				
1. Physical comforts of the jury assemblyroom? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
2. Physical comforts of the courtroom? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
3. Physical comforts of the jury deliberation room? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
4. Personal safety in the courtroom? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
5. Cleanliness of the courtroom? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
6. Cleanliness of restrooms? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
7. Access to food service? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				
8. Convenience of parking? <input type="checkbox"/> E <input type="checkbox"/> G <input type="checkbox"/> F <input type="checkbox"/> P				

OVERALL EXPERIENCE	OTHER COMMENTS
<p>1. Overall, how much of your time was spent in waiting?</p> <input type="checkbox"/> None <input type="checkbox"/> 1 to 25% <input type="checkbox"/> 25 to 50% <input type="checkbox"/> 51 to 75% <input type="checkbox"/> Over 75%	<p><i>If you would like to make any other comments about your jury experience or would like to suggest ways to improve jury service or elaborate on any of your answers, please do so in the space below. Please do not discuss the specifics of a case.</i></p> <hr/> <hr/> <hr/> <hr/>
<p>2. Where did you spend most of your time waiting?</p> <input type="checkbox"/> Jury assemblyroom <input type="checkbox"/> Jury selection <input type="checkbox"/> Courtroom during trial <input type="checkbox"/> Jury deliberation	
<p>3. Were you ever requested to wait in the hallway in excess of 15 minutes?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>4. Were you kept informed of the reasons for waiting?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>5. In all, did jury service result in any hardships for you?</p> <input type="checkbox"/> No <input type="checkbox"/> Yes	
<p>5a) If yes, mark below the areas that resulted in hardship.</p> <input type="checkbox"/> Lost income <input type="checkbox"/> Child care <input type="checkbox"/> Rearrangement of work schedule <input type="checkbox"/> Transportation <input type="checkbox"/> Parking <input type="checkbox"/> Personal health/medical appointments <input type="checkbox"/> Primary caregiver/illness in family <input type="checkbox"/> School obligations	
<p>6. If employed, does your employer continue to provide you with full regular wages while you are serving as jury duty?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	
<p>7. My impression of jury service is generally more favorable than before I arrived.</p> <input type="checkbox"/> Strongly Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Neutral	
<p>8. Overall, I felt I made a contribution as a juror and the time was well spent.</p> <input type="checkbox"/> Strongly Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Neutral	
<p>PERSONAL DATA</p>	
<p>1. Employment Status (Mark all that apply)</p> <input type="checkbox"/> Employed Full-time <input type="checkbox"/> Employed Part-time <input type="checkbox"/> Self-employed <input type="checkbox"/> Homebased <input type="checkbox"/> Retired <input type="checkbox"/> Student <input type="checkbox"/> Unemployed, not seeking employment <input type="checkbox"/> Unemployed, seeking employment	
<p>2. How long has it been since you were last called for jury service in the New York State Courts?</p> <input type="checkbox"/> First time serving <input type="checkbox"/> 2-3 years <input type="checkbox"/> 3-4 years <input type="checkbox"/> 4-5 years <input type="checkbox"/> 5-6 years <input type="checkbox"/> More than 6 years	
<p>3. Including your current service, how many times have you served as a juror in the New York State Courts in the last 10 years?</p> <input type="checkbox"/> 1 (first time serving) <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 or more	
<p>PLEASE PLACE IN THE JUROR SURVEY COLLECTION BOX LOCATED IN THE COURTHOUSE OR MAIL TO:</p>	
<p>OFFICE OF COURT ADMINISTRATION ALFRED E. SMITH BUILDING IND. BSS 7940, 12ND FLOOR, ALBANY, NEW YORK 12215</p>	
<p>JUROR COMMENT LINE 1-800-NY JUROR (1-800-695-8767)</p>	

G. The Citizens Jury Project

New York has benefited from partnering with nonprofit groups interested in jury improvement, such as the Vera Institute and the Fund for Modern Courts. In 1994, the Vera Institute, an organization dedicated to enhancing the administration of justice, approached us about working cooperatively on jury issues, and shortly thereafter launched the Citizens Jury Project. “OmbudService” tables were established outside the main assembly rooms in three Manhattan courthouses, as well as in the Brooklyn Supreme Court. Staffed by Vera employees and interns, the OmbudService desk provided information and assistance to thousands of New York City jurors. By recording and tracking jurors’ complaints, Vera promoted systemic improvements in jury amenities, including cleaner bathrooms and a coffee bar. Vera also developed a 24-hour juror help line, (212) 233-5520.

To ensure that the court system’s reform efforts are responsive to the jury experiences and viewpoints of all New Yorkers, Vera organized Juror Focus Groups to bring former jurors together with judges and court administrators for informal discussions.

Continuing the tradition of seeking juror feedback, the Fund for Modern Courts recently interviewed nearly 1,000 jurors in Manhattan and Brooklyn and reported both praise and criticism:

“New York City’s jurors of the new millennium continued to praise improvements in jury service—civil clerks, some better physical conditions, and increased fairness in summoning procedures. Despite improvements, jurors complained about overall poor physical conditions, inadequate technology, and the impact of jury service on their personal and professional lives.”

This confirms what we believe. We have been doing a good job but much work remains to be done to improve the jury experience.

In addition, the Fund for Modern Courts is now maintaining two Web sites initially developed with the Vera Institute, one for the Citizens Jury Project, now located at www.juryproject.org, and the other for the New York County Commissioner of Jurors, www.manhattanjuror.org.

The court system, of course, also maintains its own Web site for jurors at www.nyjuror.com.

JURY SERVICE WITH A SMILE

*(As published in the Jury Pool News,
Summer/Fall 1998)*

Ask Vivian Tang, an engaging 19-year-old college student, how she spent her summer vacation, and she’ll happily tell you about her internship at the Vera Institute of Justice. This was Vivian’s second summer at Vera, a nonprofit organization with a long history of innovative programs relating to the administration of justice.

Together with the New York State Unified Court System, Vera created the Citizens Jury Project in 1994 to improve the experience of jury duty and include jurors in efforts to reform and strengthen the system. Recognizing the urgent need to respond to jurors’ complaints and eliminate barriers to useful jury service, Vera installed its first “OmbudService” table in the New York State Supreme Court building at 60 Centre Street in April 1995. Since then, the service has been extended to three other courthouses—100 and 111 Centre Street in Manhattan and 360 Adams Street in Brooklyn—with plans for further expansion.

Vivian has staffed Vera’s OmbudService tables for the past two summers, answering questions from jurors and addressing

concerns over various matters ranging from postponement of service to uncomfortable physical conditions at courthouses. Helpful Vera employees and interns like Vivian have provided information and assistance to thousands of New York City jurors since the OmbudService first began.

Ms. Tang, who was born in Hong Kong and came to America at age five, is fascinated with America’s criminal justice system and sees herself studying law when she graduates from Northwestern University in Evanston, Illinois, where she’s entering her junior year as a political science and mathematics major. “My interest in the law and the justice system is what attracted me to Vera in the first place. My first summer was a great experience, so I was eager to return to Vera and the OmbudService, where I met so many wonderful people,” she says.

On a hot and rainy summer morning, Vivian, smiling and smartly dressed, arrived at the 60 Centre Street courthouse, where she was approached by jurors with various questions. She helped a woman who needed advice concerning a friend summoned for jury duty, heard a complaint from a first-time juror, gave directions to a third person and answered one juror’s questions about the OmbudService

itself. Says Ms. Tang, “We document all complaints and suggestions—which has led to actual improvements like cleaner bathrooms, better lighting and even installing a coffee bar at the 60 Centre Street courthouse. This year, I got fewer complaints about physical conditions at the courthouses and received many more compliments about the jury system. I also noticed a broader cross section of jurors with the recent expansion of the jury pool.”

Formed in 1961, Vera is dedicated to making government policies fairer, more humane and efficient. Vera’s Manhattan Bail Project changed the way in which bail and custody decisions are made in criminal courts nationwide, proving that people with little money but verifiable ties to their communities could be safely released while awaiting trial. The 1966 Bail Reform Act—the first reform of the federal bail system since 1789—and the pre-trial services developed by Vera ended the exploitation of low-income families by bail bondsmen, while Vera’s 1975 Victim/Witness Assistance Project improved the justice system’s treatment of

crime victims. More recently, Vera assisted the Midtown Community Court in developing state-of-the-art computer technology that gives judges vital information needed to impose meaningful sentences for low-level offenders and is an integral part of the court’s community-oriented approach. Current Vera projects include a program that helps people with developmental disabilities lead more independent and productive lives, the LaBodega crisis center for drug abusers and their families who live on Manhattan’s Lower East Side, and a summer program that introduces high school students to the criminal justice system through court visits and other opportunities.

Vera has a 24-hour hotline, (212) 233-5520, to assist jurors throughout New York City with problems and questions relating to jury service and also maintains a Web site with information for jurors at www.vera.org/jury. Jurors throughout New York State who have inquiries, concerns or comments about jury service can call the state court system’s 24-hour hotline (800-NY-JUROR) for assistance. ◆

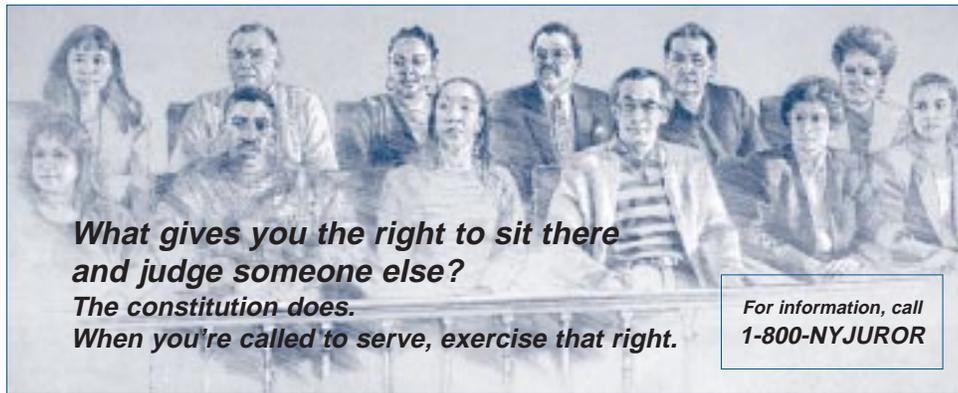
H. Outreach to the Public About Jury Service

The New York State Unified Court System has implemented a variety of public outreach strategies to educate the community about the concept of trial by jury and the importance of jury service. Some key initiatives follow.

JUROR APPRECIATION WEEK. For too long, jurors had been the unsung heroes of the judicial system. In November 1996, Chief Judge Kaye inaugurated an annual Statewide Juror Appreciation Week. Each November, courts throughout the State simultaneously host a number of events to honor jurors, including breakfasts, raffles, mementos and ceremonies featuring local dignitaries. Most importantly, jurors are thanked for their service.

In Manhattan, Commissioner of Jurors Norman Goodman invited elected officials and celebrities who reported for jury duty to speak about their experiences. Among those appearing at the 1997 festivities were New York City Mayor Rudolph Giuliani, 60 Minutes co-host Ed Bradley, actress Marisa Tomei, retired New York Giants coach Allie Sherman and renowned sex therapist Dr. Ruth Westheimer. Dr. Westheimer dispensed good advice for jurors facing significant downtime: “Get some paper and a pen and write a letter to someone you love.” In Erie County, the Commissioner of Jurors partners with the county health department each year to sponsor special health awareness days during Juror Appreciation Week, offering free immunizations, health tests and information.

PUBLIC SERVICE ADVERTISING CAMPAIGNS. In many counties, jury commissioners have launched public service advertisement campaigns on television, radio and in the print media. In New York City, attractive posters on buses and subways asked: “What gives you the right to sit there and judge someone else?” The answer: “The Constitution does. When you’re called to serve, exercise that right.” A public service announcement in Erie County urged citizens to “Seize the Power.”



MEDIA OUTREACH. Judges and jury commissioners in some counties have given interviews on local television and radio stations about the value of jury service.

COMMUNITY OUTREACH. Throughout the State, court personnel serve as speakers at local civic and community organizations, addressing these groups’ concerns about jury service. Speakers explain the structure of the court system, the jury summoning and selection process and what to expect upon arriving at the courthouse. The jury orientation video may be shown, and information about the courts (including career opportunities) is distributed. In one county where diversity on juries has been a concern, the commissioner of jurors worked with community activists on an outreach campaign in local malls and neighborhood centers.

SCHOOL OUTREACH. It is commonplace for judges, attorneys and court personnel to visit local schools to explain the jury’s role in the judicial process. The juror orientation film is frequently shown, and the Juror’s Handbook and other materials are distributed. Juror questionnaires are given to those individuals who express an interest in serving.

In addition, as part of New York’s campaign to improve public trust and confidence in the courts, we have worked with experts to develop curricula for students at the elementary, middle and high school levels that incorporate material about the history and actual functioning of the jury system as well as class exercises involving mock juries.

JUROR WEB SITE. As mentioned above, jurors can find on-line information on jury service through the court system’s Web site, www.nyjuror.com. In addition to general information useful to all jurors, the site includes county-by-county information on subjects ranging from local parking facilities to courthouse hours to places to eat lunch. It also provides links to those Commissioners of Jurors who have their own Web sites.

EDUCATIONAL VIDEO. Copies of *Your Turn*, our award-winning juror orientation video, are made available to interested schools and civic organizations.

CHAPTER 8: AIDING JUROR COMPREHENSION

In New York and across the country, jurors are being allowed a more active role in the trial process. There is growing awareness—much of it based on social science research into how people learn—that the traditionally silent, passive juror does not perform as efficiently or enthusiastically as the juror who is actively involved in the trial. These advances in our understanding of juror comprehension have led to many changes designed to help jurors absorb and process information better, including pre-instructions to the jury, brief opening statements before jury selection, note-taking and allowing jurors to have written copies of the judge’s instructions. A 1998 American Judicature Society survey found that 39% of American courts permit some combination of juror note-taking, pre-deliberation discussions and juror questioning.

“While listening to the first of many doctors provide testimony in a medical malpractice trial, first-time juror Judy Muniz had a question. So she asked it right then and there in the middle of the examination. Out loud... [W]hen Ms. Muniz first blurted out the question, Judge Winslow told her she had to stay quiet. But on the following day, the judge announced that it was time to let the jurors be heard.”

In 1994, *The Jury Project* endorsed Standard 18 of the American Bar Association’s Standards Relating to Juror Use and Management, recommending that jury deliberations take place under conditions designed to enhance rational decision-making. After several years of unsuccessful efforts to obtain statutory reform to improve juror comprehension, the court system determined that some of these issues could be addressed through its own administrative authority. To promote more informed decision-making, Chief Administrative Judge Jonathan Lippman in 1999 promulgated the following standards and procedures for trial judges (22 NYCRR § 220.10-12):

- Note-taking by jurors is now permitted in all civil and criminal cases in which the court determines that it would assist jurors, given the likely length, complexity and nature of the case. Jurors may refer to their notes during the proceedings and deliberations.
- A copy of the judge’s charge may be made available in all civil cases in which the court determines that having the charge would expedite or assist in deliberations.
- Juror notebooks may be furnished in complex cases. The notebooks may include such materials as copies of exhibits, stipulations of the parties, curricula vitae of experts, seating charts identifying attorneys and clients, chronologies or timelines, glossaries and any other court-approved materials.

In addition, the Legislature recently adopted a recommendation of the Chief Judge’s *Grand Jury Project* to allow a criminal court to provide sworn grand jurors with written

instructions relating to the proper performance of their duties. The court system will now provide each grand juror with a handbook explaining the administration, function and purpose of the grand jury.

Noteworthy additional proposals under consideration include authorizing judges in civil cases to provide jurors with preliminary instructions about their duties and conduct, the order of trial proceedings and the elementary principles that will govern those proceedings; and to direct counsel to provide interim summations on particular issues, which could prove invaluable to jurors in complex cases. A bill to permit criminal courts to annotate a verdict sheet in certain multiple-count cases with information concerning dates, complainants and specific statutory language is being proposed to the Legislature.

Finally, although juror questioning of witnesses is now permitted in New York at the judge's discretion and on consent of the parties, the issue has been formally referred to the court system's Advisory Committee on Civil Practice, which will report back shortly.

CHAPTER 9: COMMITTEE OF LAWYERS AS JURORS

In 1998, in the wake of the New York State Legislature's repeal of all occupational exemptions from jury service, Chief Judge Kaye appointed the Committee of Lawyers to Enhance the Jury Process, chaired by New York City attorney Gregory P. Joseph, past Chair of the ABA Litigation Section. The Committee was charged with examining the issues occasioned by repeal of the bar's automatic exemption from jury service. The Committee consisted of lawyers and judges who had been called to jury service, proceeded through voir dire and who, in most cases, had been selected, empaneled and presented with evidence in the jury box. The Committee's 1999 report has helped maintain the momentum for reform.

A major question raised by repeal of the bar's exemption from jury service was whether lawyers would actually choose other lawyers to serve on juries. The perception was that the time of lawyers and judges was being wasted because they were rarely, if ever, picked to serve. As a result, the prevailing view in many legal circles was that consideration should be given to reinstating the exemption. The suggestion was strenuously resisted by the Chief Judge and others, not only because of the inherent value of having no automatic exemptions, but also because reinstating one or two could begin the slippery slope back to 1993.

The Committee conducted a random mail survey of 5,255 New York lawyers and judges. The response rate was high—42 percent replied. And the results were telling. First, thousands of lawyers were actually being selected to serve on juries. The Committee found that, in the initial years following repeal of all automatic exemptions, more than 7,000 lawyers were actually selected to sit on juries—approximately 2,600 per year.

Second, lawyers were being selected to serve on juries in almost the same proportion as nonlawyers. On average, about 16% of lawyers reporting for service Statewide were chosen for juries, compared to about 18% of all persons reporting. Indeed, in New York City, lawyers were chosen at a 19.8% rate, exceeding the Statewide rate for all jurors. This put an end to the suggestion that automatic exemptions should be reinstated for lawyers and judges.

The Committee also advanced numerous helpful recommendations:

- **ADDITIONAL STEPS TO COMBAT THE WASTE OF JUROR TIME.** As with lay jurors in New York, the principal complaint of lawyer-jurors was that too much of their time was being wasted. Although the Committee reported commendable progress by the courts in making better use of jurors' time, a majority of the lawyers surveyed said they spent 75 percent of their time waiting, and over two-thirds considered most of their time wasted.

A particular source of frustration was the length and inefficiency of selection. Like the lay jurors who made civil voir dire the leading source of complaints to *The Jury Project* in 1993, many lawyer-jurors polled in 1998 found the process wasteful. Some complained of two- and three-day voir dires for cases that could be tried in a single day. Others fumed at lawyers who needlessly prolonged the process through insensitivity or sheer incompetence. Many of these lawyer-jurors wrote to the Committee and urged it to streamline the process.

The Committee recommended various steps to decrease juror waiting time, some of which have already been successfully implemented:

Increased judicial oversight of voir dire, and pilot studies in selected venues to examine the feasibility of full judicial oversight.

Judicial scrutiny to ensure that the practice of excusing jurors without cause on consent of the parties did not result in abuses.

Automated telephone call-in systems for jurors in all counties.

Abolition of jury stacking, which puts jurors' lives on hold by allowing jury selection with the knowledge that no judge would be available to try the case for weeks or even months.

- **SPECIAL INSTRUCTIONS.** In any trial in which a lawyer or judge is empaneled, the judge should charge the jury—in both preliminary and final instructions—that they are to look only to the court for instruction on the law. A Pattern Jury Instruction to that effect has now been developed and reads: “You are not to ask anyone else about the law, including the lawyer or judge serving as a juror. You should not consider or accept any advice about the law from anyone else but me.”
- **PRELIMINARY INSTRUCTIONS.** Before opening statements, the court should give preliminary instructions explaining the jury's role, trial procedures, issues in dispute and basic relevant legal principles—a suggestion currently being pursued.
- **INTERIM INSTRUCTIONS.** During a complex trial, the court should, on its own initiative or at the request of a party, consider giving interim instructions to the jury. Again, the court system is pursuing this suggestion.

- **JUROR NOTEBOOKS.** In complex cases, notebooks containing exhibits admitted in evidence and not subject to dispute should be distributed to the jury. Juror notebooks are now permitted by court rule.
- **JUROR NOTES.** The Committee recommended that jurors be permitted to take notes during trial and use them during deliberations, with appropriate instructions. Juror note-taking is now permitted by court rule.
- **COPIES OF INSTRUCTIONS.** Jurors in civil cases should be furnished with copies of the court's final instructions for use during deliberations. This is now permitted by court rule.
- **ELECTED FOREPERSON.** The foreperson should be elected by the jury at the outset of deliberations and not randomly appointed. The court system is experimenting with this practice on a pilot basis in selected venues.
- **INTERIM SUMMATIONS IN CIVIL CASES.** The trial judge in a complex civil case should be vested with discretion to permit counsel to address the jury during trial, to comment on or place in context evidence that has been or will be presented. The court system is pursuing this suggestion.

CHAPTER 10: THE FUTURE OF TRIAL JURY REFORM IN NEW YORK STATE

Plainly, jury reform is a work in progress. Much remains to be done to bring the reality of our jury system in line with the ideal. An important step in our efforts is the upcoming Jury Summit, which the New York State Unified Court System is co-hosting with the National Center for State Courts, on January 31 through February 3, 2001. Sponsors of the program include the Conference of Chief Judges, Conference of State Court Administrators, American Judges Association and the National Association for Court Management. The Summit will bring together judges, attorneys, court administrators, scholars, social scientists and former jurors to help us develop a better understanding of the jury system and plan for its continued improvement.

The agenda for the Summit was developed with the assistance of an Advisory Committee of nationally recognized jury system professionals. The State Justice Institute provided a planning grant for the development of the Summit. Topics to be covered include jury system inclusiveness, public trust in the jury system, jury selection, juror privacy, communication with the jury, jury instructions, automation and jury administration.

During the past decade, courts throughout the nation have been involved in jury reform. The Summit is a splendid opportunity for us to share with one another the results of those efforts and the lessons learned, as well as to explore the paths ahead that hold promise for further improvement.

GRAND JURY IMPROVEMENT

The American grand jury has its roots in 12th century England, although precursors of the grand jury can be traced as far back as the Israelites in 1300 B.C. Both the United States Bill of Rights and the New York State Constitution provide a guarantee of the right to be indicted for serious crimes only by a grand jury. Following English custom, the New York grand jury must consist of between 16 and 23 individuals—the quorum is 16—and 12 must concur for affirmative official action or decision.

A significant number of New Yorkers—25,000 each year, in fact—serve as grand jurors, hearing evidence to determine whether criminal charges should be filed against an accused party. Since 1994, the New York State court system’s jury reform efforts have focused on improving the jury experience for those citizens summoned to serve as trial “petit” jurors in civil or criminal trials. Some of the reforms benefited grand jurors as well, such as increasing the pool of available jurors, reducing the frequency of service, increasing compensation and expanding office hours and telephone access.

In letters and messages left with the juror hotline, many citizens called for a review of the grand jury system, beginning with the lengthy terms of service that can be so burdensome for ordinary citizens.

In response to those requests, in December 1997 Chief Judge Kaye announced the creation of *The Grand Jury Project*, a 32-member blue-ribbon task force charged, like the original *Jury Project*, with scrutinizing performance and recommending reforms, paying special attention to the needs and concerns of the citizens who are asked to serve as grand jurors. Its mandate included evaluating how to spread the opportunity and burden of jury service more equitably throughout the community, examining the mechanics of summoning grand jurors to the courthouse, ensuring that grand jurors understand their responsibilities, guaranteeing that grand jurors are properly treated and that their time is used efficiently, and assessing the facilities where they serve. This was the first Statewide study of grand jury reform in the country. Little, if any, research had ever been conducted on these issues.

CHAPTER 2: GRAND JURY PROJECT

The Grand Jury Project distributed exit questionnaires to grand jurors, conducted public hearings and received written submissions. It released its report in March 1999. Although its most gratifying conclusion concerned the strength and vitality of the

grand jury system—a system being run admirably despite the shortcomings in facilities and central administrative support—the task force found substantial room for improvement.

We have begun to adopt the recommendations in several specific areas.

A. Grand Juror Exit Questionnaire

As is the case with petit jurors, grand jurors now receive exit questionnaires. Developed from the questionnaires used by *The Grand Jury Project*, the current exit questionnaire includes 33 questions about service—on subjects including the clarity of the summons, sufficiency of orientation, experience with court personnel and adequacy of facilities. Results are tabulated periodically and are another resource for continuing reform.

GRAND JUROR EXIT QUESTIONNAIRE

INSTRUCTIONS: We would appreciate your completion of the following questionnaire. The purpose is to gain information on your experiences and views as a grand juror. No personal identification on the questionnaire is included, and all answers are confidential. Please complete this survey at the end of your term of service. Do not rate anything you feel does not apply to your experience as a juror in the New York State Courts.

INSTRUCTIONS:

- Use a No. 2 pencil or ballpoint ink pen only.
- Complete both sides of the forms.
- Mark each mark that fits the oval completely.
- Mark no other marks on this form.

Incorrect: ✓ X ○
Correct: ●

County Code		First Day of Service			County Code
		Mo	Day	Yr	
01 Albany	19 Seneca	01	01	01	01-01
02 Allegany	20 Seneca	01	01	01	01-01
03 Broome	21 Hamilton	01	01	01	01-01
04 Sullivan	22 Herkimer	01	01	01	01-01
05 Warren	23 Jefferson	01	01	01	01-01
06 Yates	24 Otsego	01	01	01	01-01
07 Chautauq	25 Lewis	01	01	01	01-01
08 Chenango	26 Livingston	01	01	01	01-01
09 Otsego	27 Madison	01	01	01	01-01
10 Hamilton	28 Madison	01	01	01	01-01
11 Columbia	29 Montgomery	01	01	01	01-01
12 Delaware	30 Nassau	01	01	01	01-01
13 Sullivan	31 New York	01	01	01	01-01
14 Warren	32 Rensselaer	01	01	01	01-01
15 Yates	33 Dutchess	01	01	01	01-01
16 Hamilton	34 Oswego	01	01	01	01-01
17 Rensselaer	35 Ontario	01	01	01	01-01
18 Fulton	36 Oswego	01	01	01	01-01
19 Seneca	37 Orleans	01	01	01	01-01
20 Seneca	38 Oswego	01	01	01	01-01
21 Hamilton	39 Otsego	01	01	01	01-01
22 Herkimer	40 Putnam	01	01	01	01-01
23 Jefferson	41 Sullivan	01	01	01	01-01
24 Otsego	42 Warren	01	01	01	01-01
25 Lewis	43 Washington	01	01	01	01-01
26 Livingston	44 Yates	01	01	01	01-01
27 Madison	45 Westchester	01	01	01	01-01
28 Madison	46 Richmond	01	01	01	01-01
29 Montgomery	47 Saratoga	01	01	01	01-01
30 Nassau	48 Schoharie	01	01	01	01-01
31 New York	49 Schuyler	01	01	01	01-01
32 Rensselaer	50 St. Lawrence	01	01	01	01-01
33 Dutchess	51 Sullivan	01	01	01	01-01
34 Oswego	52 Ulster	01	01	01	01-01
35 Ontario	53 Warren	01	01	01	01-01
36 Oswego	54 Yates	01	01	01	01-01
37 Orleans	55 Tompkins	01	01	01	01-01
38 Oswego	56 Ulster	01	01	01	01-01
39 Otsego	57 Warren	01	01	01	01-01
40 Putnam	58 Washington	01	01	01	01-01
41 Sullivan	59 Westchester	01	01	01	01-01
42 Warren	60 Richmond	01	01	01	01-01
43 Washington	61 Sullivan	01	01	01	01-01
44 Yates	62 Ulster	01	01	01	01-01
45 Westchester	63 Warren	01	01	01	01-01
46 Richmond	64 Yates	01	01	01	01-01
47 Saratoga	65 Tompkins	01	01	01	01-01
48 Schoharie	66 Ulster	01	01	01	01-01
49 Schuyler	67 Warren	01	01	01	01-01
50 St. Lawrence	68 Yates	01	01	01	01-01
51 Sullivan	69 Tompkins	01	01	01	01-01
52 Ulster	70 Ulster	01	01	01	01-01
53 Warren	71 Warren	01	01	01	01-01
54 Yates	72 Yates	01	01	01	01-01
55 Tompkins	73 Tompkins	01	01	01	01-01
56 Ulster	74 Ulster	01	01	01	01-01
57 Warren	75 Warren	01	01	01	01-01
58 Washington	76 Washington	01	01	01	01-01
59 Westchester	77 Westchester	01	01	01	01-01
60 Richmond	78 Richmond	01	01	01	01-01
61 Sullivan	79 Sullivan	01	01	01	01-01
62 Ulster	80 Ulster	01	01	01	01-01
63 Warren	81 Warren	01	01	01	01-01
64 Yates	82 Yates	01	01	01	01-01
65 Tompkins	83 Tompkins	01	01	01	01-01
66 Ulster	84 Ulster	01	01	01	01-01
67 Warren	85 Warren	01	01	01	01-01
68 Yates	86 Yates	01	01	01	01-01
69 Tompkins	87 Tompkins	01	01	01	01-01
70 Ulster	88 Ulster	01	01	01	01-01
71 Warren	89 Warren	01	01	01	01-01
72 Yates	90 Yates	01	01	01	01-01

JURY SERVICE

1. What was your grand jury term of service?

2 weeks 3 weeks 1 month 5 or more
2 months 3 months 4 months months

2. How many days did you report for grand jury service?

1 2 3 4-6
7-9 10-12 13-15 16-18
19-21 22-24 25 or more

3. Was your service extended beyond the date you were to complete your grand jury service?

Yes No

If yes, how many days?

1 2 3 4-6
7-9 10-12 13-15 16-18
19-21 22-24 25 or more

4. Approximately how many cases were presented during your service?

None 1-5 6-10 11-15
16-20 21-25 26-30 31-35
36-40 41-50 Over 50

EXPERIENCE WITH COURT PERSONNEL

A - Agree N - Neutral D - Disagree

5. Was the grand jury summons clear and understandable? Y N DK

6. Did the orientation adequately prepare you for jury service?

7. During your service did you ask questions of:

a) Witnesses
b) Defendant
c) Prosecutor
d) Judge

8. Were you permitted to take notes? Y N DK

9. Did you take notes?

10. Did your notes help in your deliberations?

11. Were the instructions and legal definitions given by the prosecutor clear and understandable?

12. Would it have been useful to have written definitions of the crimes presented?

13. Court personnel were always available to offer information and assistance. A N D

14. The judge was professional, courteous and helpful.

15. The prosecutors were professional, courteous and helpful.

ACCEPTABLE
A - Acceptable D - Disacceptable

HOW WOULD YOU RATE THE:

16. Lighting in the grand jury room? A D

17. Comfort of the seating in the grand jury room? A D

18. Personal safety in the courthouse? A D

19. Cleanliness of the courthouse? A D

20. Cleanliness of the restrooms? A D

21. Access to food service? A D

22. Convenience of parking? A D

OVERALL EXPERIENCE

23. How much of your time was spent in waiting for the prosecution to present evidence?
 None 1 to 25% 26 to 50%
 51 to 75% Over 75%

24. Were you kept informed of the reasons for waiting?
 Yes No

25. I felt my time was well spent during grand jury service.
 Yes No

26. Did grand jury service result in any hardship?
 Yes No
 If yes, mark below the areas of hardship:

- Low income
- Child care issues
- Disarrangement of work schedule
- Transportation
- Parking
- Personal health/medical appointments
- Primary caregiver/sickness in family
- School obligations

27. If employed, does your employer continue to provide you with full regular wages while you are serving on grand jury duty?
 Yes No Don't know/not sure

28. My impression of grand jury service is generally more favorable than before I served.
 Yes No

29. Overall, I felt I made a contribution as a grand juror.
 Yes No

PERSONAL DATA

30. Employment status (Mark all that apply.)
 Employed Full-time Student
 Employed Part-time Unemployed, not seeking employment
 Self-employed Unemployed, seeking employment
 Homemaker Retired

31. How long has it been since you were last called for any jury service in the New York State Courts?
 First time serving
 2-4 years ago
 More than 4 years ago

VIEW OF SERVICE

32. Would you prefer the length of grand jury service to be:
 Same as present term
 Longer than present term
 Shorter than present term

33. Of the three listed below, which grand jury service would you prefer?
 Four weeks—half days
 Four weeks—two or three full days per week
 Two weeks—full days

OTHER COMMENTS:
 Please do not discuss the specifics of a case.

THANK YOU

PLEASE RETURN TO THE CLERK OF MAJ. TO:
 OFFICE OF COURT ADMINISTRATION
 ALFRED E. SMITH BUILDING
 P.O. BOX 7040, 2ND FLOOR
 ALBANY, NEW YORK 12225

JUROR COMMENT LINE
 1-800-NY-JUROR
 (1-800-695-8787)

B. Grand Juror Orientation and Instruction

New York's Criminal Procedure Law provides that each grand juror must be given a copy of Article 190 of that statute (which includes detailed provisions about grand jury proceedings) and that the judge may give the jurors oral instructions about their duties.

Grand jurors responding to the *Project's* exit questionnaires indicated that they received written materials, and three-quarters of them said that the materials provided an adequate explanation of the grand jury process. Other grand jurors reported that they did not fully understand their purpose and function and would have wanted further explanation. The task force expressed concern that even a minority of grand jurors might be confused about their role and responsibilities, and made a series of recommendations to remedy this situation.

In addition to recommending uniformity in the initial oral instructions given by the judge and the prosecutor, the report suggested that the court system develop both an orientation video (which, like the film for trial jurors, would be part of the grand jury orientation program) and a handbook for grand jurors.

The court system, with input from prosecutors and defense attorneys, immediately began preparing an orientation film, which will be completed shortly. The video describes the functions and responsibilities of the grand jury, the significance and importance of grand jury service, the roles of key players in the process and the types of cases they may hear.

At the recommendation of the task force, the court system requested that the Legislature change the law to permit a court to provide sworn grand jurors with written instructions on the proper performance of their duties. The new law will permit courts to provide jurors with a handbook, which is currently being developed. When the handbook is completed, the court system expects to conduct pilot programs, as recommended by the task force, to test the effectiveness of providing grand jurors with copies of Article 190 and the handbook in advance of their service.

C. Pilot Projects on Reducing Grand Jurors' Terms of Service

A grand juror's term of service depends on the period of time the juror is required to be available (usually a number of weeks), the day or days of the week the juror is required to report, the hours the juror must attend and the number of days the juror actually reports to the courthouse. Those components of grand jury service vary widely throughout the State. For example, service in 15 counties is a four-week term, in 17 counties an eight-week term, in 24 counties a 12-week term and in six other counties a term ranging from 16 weeks to 6 months. At the same time, counties requiring jurors to remain available for the longest periods (usually the more rural counties) require less frequent reporting for service than those with shorter availability periods. The regularity of reporting varies from daily, to twice a week, to once a week, to once every two weeks. The number of days grand jurors actually serve during their term ranges from two to 25 days.

The task force concluded that unless the term of service is shortened, the opportunity for grand jury service will be limited to the relatively few people who are able to commit to the extended time period now required. The grand jury pool will be smaller, the burdens on those who serve will be greater and the grand jury will be less representative of the community. But the report also pointed out that any reduction of service has to take into account the legitimate needs of the criminal justice system to have a grand jury available. The law requires the prosecution to present a case to the grand jury or commence a preliminary hearing within a short period of time—within 120 hours of arrest (or 144 hours if a weekend or holiday intervenes). If the prosecution does not meet the time requirements, the defendant must be released from custody. A grand jury must be available on a continuous and regular basis to meet that need.

The report cautioned that “reform of grand jury term of service should be done with great care so as not to impede the ability of the criminal justice system to process cases. Recognition must also be given to local needs and conditions.” While the process of reform may be difficult, the objectives of spreading the burden of grand jury service more equitably and promoting greater juror satisfaction with this civic responsibility “warrant creative efforts to achieve them.” Consequently, the report suggested pilot projects be conducted in different counties—“large and small, urban, suburban and rural”—“to consider a variety of possible solutions to shortening the term of jury service and tailoring the term to the expected length of case presentation.” Those pilot projects are ongoing.

The court system's program of jury reform has been, from the very beginning, an exercise in collaboration: with the bench, the bar, the Legislature, the Executive and, most critically, the citizens summoned each year to perform this essential duty in our democratic system. With this report, we hope to continue the process of collaboration by inviting readers to send us comments, descriptions of their own jury service experiences and suggestions for new initiatives.

PLEASE ADDRESS CORRESPONDENCE TO:

**CONTINUING JURY REFORM
OFFICE OF THE CHIEF ADMINISTRATIVE JUDGE
25 BEAVER STREET
NEW YORK, NY 10004**



**OR CALL AND LEAVE YOUR COMMENTS
ON THE JUROR HOTLINE:
1-800-NYJUROR**



**OR E-MAIL YOUR COMMENTS
THROUGH THE JURY WEB SITE:
WWW.NYJUROR.COM**

APPENDICES

**Uniform Rules for the Jury System §128.6-a:
Postponement and Excusal From Jury Service**

(a) Postponement

(1) A prospective juror who has received the initial jury summons is entitled, upon notifying the commissioner of jurors, to a postponement of jury service to a specific jury term date that is not more than six months after the date such service is to commence as set forth in the summons. The prospective juror may notify the commissioner by telephone that he or she is seeking such postponement and shall select an appropriate date to which service is to be postponed. A request for postponement shall be made at such time as the commissioner shall require. The commissioner, in his or her discretion, may grant a postponement of jury service for greater than six months, but only upon good cause shown.

(2) The commissioner may grant a prospective juror's subsequent request for a postponement of jury service, but only upon a written application, containing documentation acceptable to the commissioner, showing that an inability to obtain a postponement would result in a hardship that was unanticipated at the time of the prior postponement. Absent extraordinary circumstances, the commissioner shall not grant a prospective juror more than three postponements of jury service, nor shall the aggregate period of postponements granted to a prospective juror exceed eighteen months.

(b) Excusal

(1) A prospective juror who has received a jury summons may apply to be excused from jury service by submitting a written application for excusal to the commissioner, at such time as the commissioner shall require. Such application for excusal may be granted only if the prospective juror has demonstrated satisfactorily that (i) he or she has a mental or physical condition that renders him or her incapable of performing jury service, or that jury service would cause undue hardship or extreme inconvenience to the prospective juror, a person under his or her care or supervision, or the public, and (ii) he or she will be unable to serve as a juror on a date certain within the time restrictions applicable to postponements set forth in subdivision (a) of this section. The application shall contain documentation, satisfactory to the commissioner, supporting the ground for excusal.

(2) If the application for excusal is granted and the facts underlying the ground for the excusal are not of a permanent nature, the excusal shall be for a specific period of time not to exceed twenty-four months, after which the prospective juror shall become eligible for re-qualification as a juror. If the facts underlying the ground for excusal are of a permanent nature, the excusal shall be permanent.

(c) Recordkeeping

The commissioner of jurors shall maintain a list of the names of persons excused or postponed from service as a trial juror, with an indication of the reasons therefor insofar as practicable, and which shall include the time periods for which the persons have

been postponed or excused. A judge having an application for postponement or excusal shall provide notice of his or her determination expeditiously to the commissioner of jurors for inclusion in such records.

(d) Guidelines

The commissioner of jurors shall conform to such guidelines as may be promulgated by the Chief Administrator of the Courts in determining whether to grant postponements and excusals from jury service.

APPENDIX B:

Guidelines for Postponements and Excusals

Judges and Commissioners of Jurors shall utilize the following guidelines in determining whether to grant postponements and excusals from jury service pursuant to section 517 of the Judiciary Law.

I. Definitions

1. “Postponement” — A “postponement” of jury service is an adjournment of the date of jury service to a subsequent fixed date. These guidelines shall apply only to postponements of between six and 18 months from the date set forth in the initial juror summons. Postponements of up to six months from the initial summons are not covered by these guidelines, because those postponements must be granted at the request of the person summoned; postponements of greater than 18 months are not permitted by court rules.
2. “Excusal” — An “excusal” from jury service is the cancelling of a juror summons for a period not to exceed 24 months, after which the person so summoned again shall become eligible for requalification as a juror. An excusal may be granted only where jury service cannot be postponed. A person may receive a permanent excusal, and be excluded from selection from any list of prospective jurors, where the judge or Commissioner of Jurors determines that the underlying ground for the excusal is of a permanent nature.

II. Standards

Judges and Commissioners of Jurors shall be guided by the following standards in determining whether a person shall receive a postponement of or excusal from jury service. Nothing in these guidelines shall be deemed to limit the documentation that a judge or Commissioner of Jurors may require based upon the facts underlying any individual application for postponement or excusal. A judge or Commissioner of Jurors, in appropriate cases, also may require that any statement submitted be sworn to under oath.

A. Medical. An application or postponement or excusal may be granted if the applicant has a mental or physical condition that causes him or her to be incapable of performing jury service. The judge or Commissioner of Jurors may require the following documentation in support of the application:

1. A statement signed by a licensed physician, psychiatrist or psychologist, setting forth (i) a diagnosis of the mental or physical condition of the applicant, (ii) a prognosis of the length of time the mental or physical condition is expected to continue to exist, and (iii) a conclusion that the applicant is not capable of performing jury service.

2. A statement from the applicant describing the physical or mental condition and setting forth why the applicant believes the condition prevents his or her service as a juror and when the applicant believes that he or she will become capable to serve as a juror. The applicant may be required to provide documentation concerning his or her employment status.

B. *Undue Hardship or Extreme Inconvenience.* An application for postponement or excusal may be granted if service as a juror would cause undue hardship or extreme inconvenience to the applicant, a person under his or her care or supervision, or the public. A determination of undue hardship or extreme inconvenience shall be based upon service as a juror for a period of five consecutive court days.

1. **Caregivers.** An applicant may obtain a postponement or excusal if the applicant (i) has a personal obligation to care for another, including a sick, aged, infirm or disabled dependent or a minor child, who requires the prospective juror's personal care and attention during the time the person will be required to serve as a juror, and (ii) no alternative care is available without severe financial hardship to the applicant or the person requiring care, or because special needs of the person receiving care foreclose the temporary substitution of another caregiver. In determining whether the applicant's personal care and attention are required, the judge or Commissioner of Jurors may require the following documentation in support of the application:

- a. A copy of a birth certificate of a minor child;
- b. A statement signed by a licensed physician, psychiatrist or psychologist describing the medical condition of an aged, sick, infirm or disabled person;
- c. A statement by the applicant that he or she is the primary caregiver and setting forth (i) the circumstances necessitating the caregiving services of the applicant, (ii) the hours that the applicant provides such care and (iii) the reasons why the applicant cannot make arrangements for care to be provided by another during the period of jury service; and
- d. Documentation verifying any employment of the applicant, including hours worked and salary earned.

2. **Financial hardship.** An applicant may obtain a postponement or excusal if the applicant will suffer a financial hardship that will significantly compromise the applicant's ability to support himself, herself or dependents. In determining whether the applicant's ability to provide such support is significantly compromised, the court or Commissioner of Jurors may require the following documentation:

- a. A statement from the applicant setting forth (i) the applicant's sources of income, (ii) the applicant's hours of work, (iii) the amount of money that would be lost as a result of jury service, and (iv) the impact that this loss

will have on (A) the applicant's ability to provide support to the applicant and his or her dependents and (B) where appropriate, the ability of the applicant to maintain his or her business.

b. Forms filed with governmental taxing authorities showing the financial status of the applicant and, where relevant, of his or her business.

3. Needs of the public. An applicant may obtain a postponement or excusal if his or her absence to serve as a juror would jeopardize to a significant degree the health, welfare or safety of the public. In determining whether the health, welfare or safety of the public would be significantly jeopardized, the judge or Commissioner of Jurors may require a statement by the applicant setting forth (i) the nature and duties of his or her service to the public, (ii) the hours when such service is performed, and (iii) the availability of others to perform such service in his or her absence. The performance of duties that affect the public shall not by itself serve as a ground for postponement or excusal without a showing that the specific individual services performed by the applicant meet the criteria contained in these guidelines.

4. Lack of transportation. An applicant may obtain a postponement or excusal if (i) the applicant does not have access to a private vehicle, (ii) there is no available public transportation that will permit the applicant to travel to the court in a reasonable time, and (iii) use of other alternate means of transportation to the court would create a severe financial burden. In determining whether an applicant lacks transportation to appear in court to serve as a juror, the judge or Commissioner of Jurors may require a statement by the applicant setting forth (i) the reasons the applicant cannot obtain transportation to the court, (ii) the applicant's current employment status and transportation arrangements to his or her place of employment, and (iii) the anticipated duration of the applicant's inability to obtain the necessary transportation.

C. Matters of Conscience. Applications for excusal from jury service based upon matters of conscience should be handled during jury selection or determined by the trial judge.

APPENDIX C:

Sample Jury Summons Notice

JURY SUMMONS - READ ALL INFORMATION

You are hereby summoned for a jury term for all courts within Erie County. You are to be available for service for the date listed above. A juror identification number (id#) has been assigned to identify you on the juror phone-in system. You are to call 555-5553 any time after 6:00 pm of the last workday before you are to appear, and listen for your juror id#. A recorded message will be on over weekends, holidays and up to 8:00 am

of the scheduled appearance date. For example, if you are to appear Monday, call Friday evening after 6:00pm or anytime over the weekend. If your service is needed, you are to report at 9:00 am, Room 452, 80 Court Street, corner of Church Street. The recorded message will give further instructions or changes regarding your jury service. It may list by id# only those jurors who are to appear; in that case, listen for your id#; or it may give instructions to the entire jury panel. You must call the recorded message, as you will not be paid for any appearance if the message directed you not to appear.

APPENDIX D:

Juror Utilization Goals

1. PREDICT JUROR NEEDS BEFORE SUMMONING.
2. PREDICT DAILY JUROR NEEDS THE DAY BEFORE SERVICE.
3. MAINTAIN CLOSE CONTACT BETWEEN THE COURT AND COUNTY CLERK'S OFFICE ABOUT JUROR NEEDS THROUGHOUT THE DAY.
4. RELEASE JURORS EARLY (BOTH DURING THE DAY AND FROM SERVICE ENTIRELY) WHEN THEY ARE NO LONGER NEEDED.
5. MAINTAIN AN EFFICIENT CALL-IN SYSTEM (WITH THE SUMMONS).
6. ADHERE TO THE PANEL SIZE GUIDELINES.
7. STOP THE PRACTICE OF RESERVING PANELS FOR CRIMINAL CASES.
8. START/CONTINUE VOIR DIRE EARLY IN THE DAY.
9. START VOIR DIRE IMMEDIATELY AFTER RECEIVING THE PANEL OF JURORS.
10. CONDUCT VOIR DIRES AND TRIALS WITHOUT INTERRUPTION.
11. ADHERE TO THE CIVIL VOIR DIRE RULES (ACTIVELY MANAGE ENTIRE VOIR DIRE).
12. ADHERE TO THE FIVE-DAY RULE.
13. MAINTAIN AN EFFICIENT CALL-IN SYSTEM FOR BACKUP JURIES IN CIVIL CASES.
14. STREAMLINE ORIENTATION AND ELIMINATE ROLL CALL.
15. REDUCE THE TERM OF SERVICE TO THE LEAST AMOUNT OF DAYS POSSIBLE, PREFERABLY ONE DAY/ONE TRIAL.
16. SEND JURORS TO THE CRIMINAL OR CIVIL SIDE WHEN APPROPRIATE.
17. KEEP JURORS INFORMED ON A REGULAR BASIS.

Jury Summons Form (Reduced Size)

IMPORTANT INFORMATION

The Division of Juror's Office is located at:
 Supreme Court Building
 County Clerk's Office
 360 Adams Street, Room 156
 Brooklyn, NY 11201
 Office Hours: Monday to Friday
 8:00am to 5:00pm
 Phone: (718) 643-5256

1. It is necessary to bring this notice with you.
2. Please be sure to bring a pen.
3. Only serving jurors will be allowed in the central jury room.

	MON	TUE	WED	THURS	FRI	MON	TUE	WED	THURS	FRI
ATTEND										
JURY										
PART										
ATTEND										
JURY										
PART										
ATTEND										
JURY										
PART										

Days Attended _____ Days Served on Jury Trial _____

Please complete and sign this section

Home Telephone: _____ Date Of Birth: _____

Business Telephone: _____ Occupation: _____

Business Name: _____ Employment Status: _____
(i.e., Full Time, Part Time, Per Diem, Temporary, Commission)

Business Address: _____

Postponement Date Requested

Month / Day

Please be sure to select a date not less than two months nor more than six months from the date of your summons.

All jurors must answer these questions and sign the statement below:

1. Does your employer pay you while you are on jury service? Yes No
2. Does your employer deduct the \$40.00 juror fee from your pay? Yes No
3. Does your employer have more than 10 employees including you? Yes No

This statement made and signed under penalty of perjury (Art. 210 Penal Law).

Signature

↑ REMOVE DOCUMENT ALONG PERFORATION ↓

READ CAREFULLY

New York State law has abolished all exemptions from jury service effective January 1, 1996. If you have a physical disability and are in need of special accommodations, please call (718) 643-5256 upon receipt of this notice.

POSTPONEMENTS

All applications for postponements **MUST BE MADE PRIOR TO YOUR DATE OF SERVICE**. You can apply for your **FIRST** postponement by **MAIL** or **PHONE**. Choose a date between 2 and 6 months from the date of your summons. Your request can be made by calling (718) 643-8023, or if mailing, please complete your jury summons (Part A Both Sides) and indicate the date you will be able to serve (Back of Part B). A request for a further postponement must be made in person.

Failure to respond may result in criminal contempt of court and is punishable by a fine of \$1000 or imprisonment not exceeding 30 days, or both.

MEDICAL

Consideration for postponement or excusal will be given under the following circumstances:

- 1) Your personal appearance is required at 360 Adams Street, Room 156 along with your completed jury summons.
- 2) A signed statement by a licensed physician indicating:
 - a) Diagnosis of the mental or physical condition.
 - b) The length of time the mental or physical condition is expected to continue.

**IF YOUR CONDITION PREVENTS YOU FROM COMING IN PERSON
PLEASE CALL (718) 643-5256.**

CAREGIVER

If your personal care and attention is required during the time you have been summoned to serve, consideration will be given to jurors who offer proof that alternative care is unavailable. This request must be made in person with your completed jury summons together with one of the following:

- 1) Birth certificate of youngest child.
- 2) Doctor's note detailing patient's diagnosis and verification of caregiver's services.

**IF YOUR SITUATION PREVENTS YOU FROM COMING IN PERSON
PLEASE CALL (718) 643-5256**



ANTHONY A MANISERO 246446187 02/03/2001 120

D Kings County Juror

Address _____ Zip _____
 Served as Juror _____ days. Discharged on _____
 Kings County Clerk
 RETAIN THIS CERTIFICATE AFTER SERVICE
 It is your proof of Jury Service when signed by the Jury Clerk.

ANTHONY A MANISERO 246446187 02/03/2001 120

C Kings County Juror

A **B** **KINGS COUNTY JUROR SUMMONS**

YOU ARE SUMMONED TO APPEAR AS A TRIAL JUROR IN KINGS COUNTY SUPREME COURT,
 360 ADAMS ST., BROKLYN NY 11201, ROOM 261 AT 9:00 AM. PLEASE REPORT ON
 SATURDAY FEBRUARY 3RD, 2001
 NORMAL HOURS ARE 9:00 AM TO 5:00 PM

ANTHONY A MANISERO
 130 VANDALIA AVE APT 7A
 BROOKLYN NY 11239

Wilbur A. Levin
 Kings County Clerk

ANTHONY A MANISERO
 246446187 02/03/2001 120

JUROR INDEX 246446187

DD									
ATT									
PD									
SER									

ANTHONY A MANISERO 246446187 02/03/2001 120

IMPORTANT: JURY SUMMONS ENCLOSED

ANTHONY A MANISERO
 130 VANDALIA AVE APT 7A
 BROOKLYN NY 11239

JUROR INDEX 246446187

02/03/2001 125
 RETURN SERVICE REQUESTED

COUNTY CLERK, KINGS COUNTY
 SUPREME COURT BUILDING
 360 ADAMS STREET
 BROOKLYN, NEW YORK 11201-3788

POSTAGE WILL BE PAID BY ADDRESSEE
 PERMIT NO. 2788
 BROOKLYN, N.Y. 11201

Dear Juror:

You have been selected for jury duty, welcome.

The law provides that a collective body of eligible citizens shall perform as jurors to determine cases brought before the courts. Your participation in the jury process helps to insure the individual rights of each citizen.

I recognize jury service can be burdensome, as it may interrupt your personal and business lives. Please be assured that we will work within the limits of the law to accommodate varying needs. Our goal is to make your service as a juror a rewarding and memorable experience.

Thank you for your time and commitment to the New York State Justice System.

Sincerely,

 Wilbur A. Levin
 Kings County Clerk

- Directions to Courthouse**
- By Train:**
- BMT-Coast Street
N.R. (M during peak hours only)
 - BRT-Coast Street/Bow Hall
3,3A,5
 - IND-4th Street/Bow Hall
A.F.C Local
Q-104st & Schermerhorn Street
- By Bus:**
- B-25 B-54
 - B-26 B-57
 - B-37 B-61
 - B-38 B-65
 - B-41 B-67
 - B-45 B-75
 - B-51 B-103 (Command Bus)

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