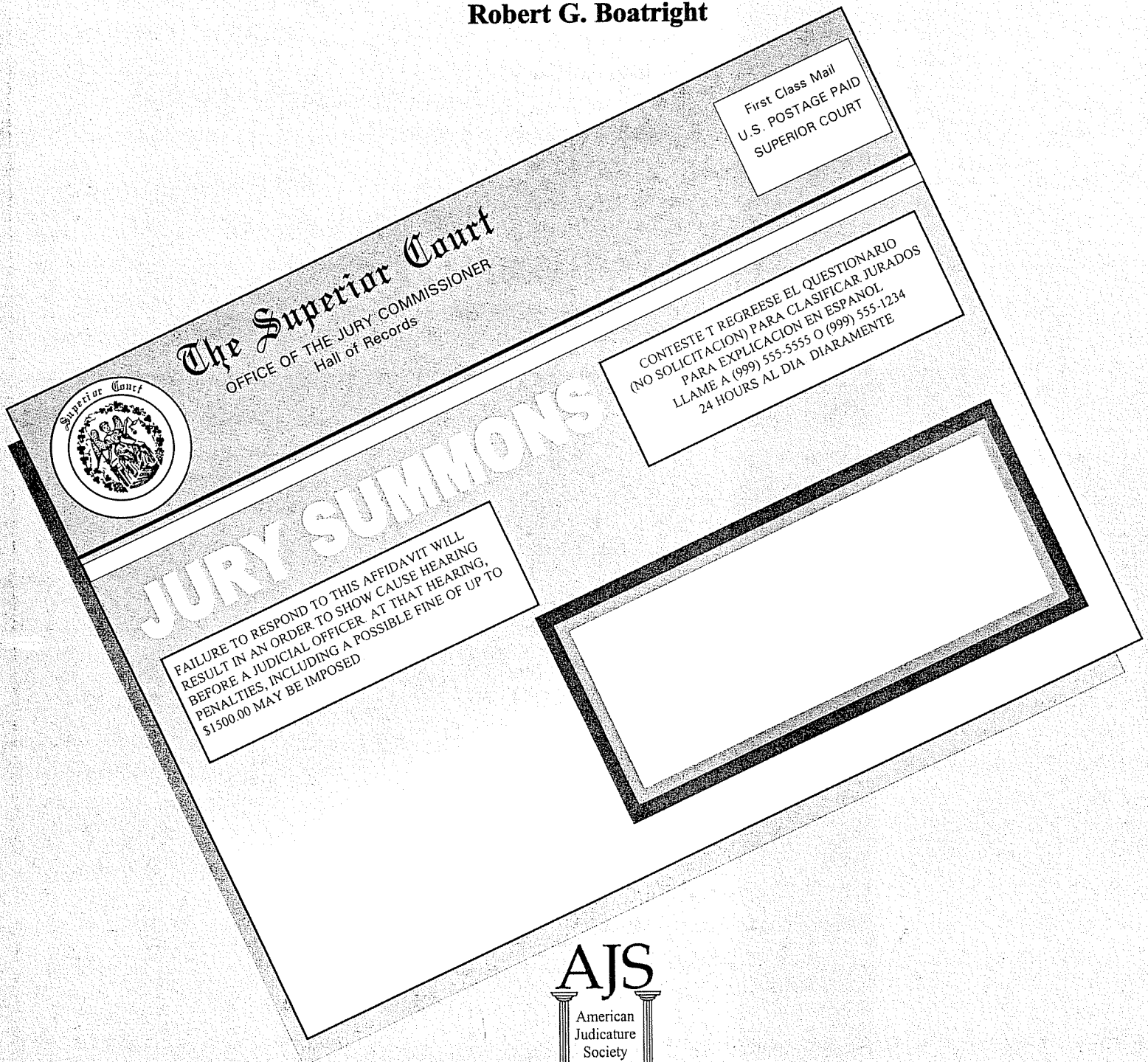


IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES

A Report with Recommendations

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CONCLUSIONS AND RECOMMENDATIONS

Courts play a dual function in our society. They are called upon both to ensure that litigants are treated to a fair trial and to bring members of the public into the courtroom and provide them an opportunity to participate in the quest for justice. Too often, however, we lose sight of the need to treat jurors as fairly as we treat litigants. In 1833, Alexis de Tocqueville wrote that

To regard the jury simply as a judicial matter would be taking a very narrow view of the matter, for great though its influence on the outcome of lawsuits is, its influence on the fate of society is greater still.... A jury puts the people themselves or at least one class of citizen on the judge's bench. Therefore the jury as an institution really puts control of society into the hands of the people or of that class. (Tocqueville 1969 [1848]: 272-273)

Tocqueville was above all else a realist; his depiction of the United States, while generally positive, pulled no punches about the ways in which our government failed to realize the promise of democracy. The excerpt above notes that the jury may either be composed of all citizens or only of a particular class of citizens. As we mentioned in Chapter II, the history of the jury in America has been a history of the expansion of the right to jury service to all citizens.

This pursuit is hindered, however, when citizens decline to take advantage of their right to serve as jurors. Summons nonresponse has an effect both on proceedings within the court and, in Tocqueville's words, on "the fate of society."

While few would deny the beneficial effects that citizen participation in jury service can have, many have disputed the notion that reluctant jurors can in any way help court proceedings. In the debates over the Jury Selection and Service Act, many members of Congress argued that if citizens do not wish to serve as jurors, they should not be compelled to do so.

Perhaps this is true—perhaps we should not compel citizens to serve on juries. What this report demonstrates, however, is that very few citizens are truly scofflaws. They do not wish to register their discontent with government or with the legal system by throwing their summons in the garbage. They do not ignore their summonses because they have no sense of civic duty. If we must decide who is to blame for summons nonresponse—whether it is the public or the courts—we would have to say that our courts must shoulder some of the blame. Most citizens want to serve on juries, but they are prevented from doing so by economic circumstances. They are uncertain of their ability to serve competently as a juror. They are uncertain about how they can defer their summons to a later, more convenient date. They are frightened by the technical language of their summonses. They suspect they will not actually serve on a jury, but that they will instead spend valuable time sitting in a cramped waiting room, staring at the walls.

Before recommending steps that courts can take to increase their response rates, we shall briefly restate the findings of the previous chapters and link the perceptions that court administrators have of citizens' reasons for summons nonresponse to the opinions of citizens about jury service. We begin in a rather unorthodox manner, by describing what jurors are not.

Myths About Citizens' Attitudes

In the course of writing this report, we ran into several beliefs about citizens which we found, to be blunt, were absolutely not supported by our study. If courts are to address the views and circumstances of summons nonrespondents, they must first understand who they are. Not all courts view citizens as any of the following, but some do. Here are a few things that citizens, and summons nonrespondents in particular, are not:

The Recalcitrant Juror; the Scofflaw

A dominant conception in the literature on citizens' attitudes towards jury service is that there is a substantial percentage of citizens who do not much care about their right to serve as jurors. Either these individuals do not have any interest in participating in a quasi-public matter such as jury service, or they wish to register their discontent with the biases of our legal system by declining to participate in it.

We do not deny that there are some citizens who may feel this way. This study indicates, however, that the actual proportion of such individuals even among summons nonrespondents is very small. Our telephone survey of summoned jurors, summons respondents, and summons nonrespondents painted a fairly positive picture of citizens' attitudes towards jury service. Vast majorities of citizens told us that they believe it would be interesting to serve on a jury, that the court system is generally fair to all involved, and that juries do represent an accurate cross-section of the population. Most citizens felt that they would be treated with respect were they to serve, and the most frequently mentioned "best thing" about jury service was that citizens felt that serving on a jury would fulfill one of their civic duties.

The notion that citizens might express frustration or alienation from government is, when one considers the idea carefully, premised upon a rather illogical claim. A frequent contention in literature on voting, the other primary right of participation for citizens in a democracy, is that citizens alienated from government, disgusted with the performance of our government, protest their government's performance by staying home on election day. This may be. The problem in applying this conception to jury service, however, is that when citizens vote, they must choose among a predetermined set of different politicians. They cannot choose themselves; their options have been defined by others. If a person feels, however, that the justice system is unfair, it seems that she would welcome the opportunity to inject her own views directly into it. If she feels, for instance, that people like her are not represented on juries, she may welcome the invitation to serve. After all, if someone believes that juries are somehow unjust, then she must believe she could do a better job than those who generally serve.

Citizens do not, however, have strong opinions

about problems in the legal system. Those citizens who do not respond to their summonses may not be able to serve on a particular day and may not know how to change their service date. They may have a reason why they cannot serve at all—they cannot take time away from work or from family responsibilities, yet they feel that the court would not accept their excuses. Or they may feel inadequate to the task; they may believe that they will be called upon to exercise intellectual faculties that they are not sure they have.

Few Americans, we would contend, have jobs that are so exciting that they are reluctant to miss a few days. Jury service is a break from their daily routine. It is a chance to observe human drama—to seek to understand a form of human behavior that occurs infrequently within their daily lives. We find it rather unlikely that most citizens, given the chance to serve as a juror without tremendous disruption to their jobs and their well-being, would not find it a worthwhile distraction to participate in a legal case. Indeed, our surveys indicate that this is the case. Citizens do not ignore summonses because they are not intrigued by the possibility of serving as a juror. Instead, they ignore their summonses because they believe they cannot take the time to do so and that the court would not respect the other commitments in their lives.

The Misinformed Juror

Another frequent misconception about citizens' attitudes towards jury service is that they are given a distorted picture of the nature of jury service by the media. Jurors may worry that they will hear disturbing evidence of shocking crimes. They may worry that they will be sequestered for days, away from their families and friends. They may worry that their service will drag on and on, as lawyers file endless motions and bring in numerous witnesses to testify. They may worry that they will be subject to harassment by the media, or to retribution by aggrieved litigants.

The media does indeed play a major role in shaping citizens' opinions in a variety of ways. Nearly everyone has seen the stylized image of jury service presented in advertisements, in popular novels, in court television programs, in the occasional highly publicized trial, and in movies. Jury trials are a staple of both the fact and the fiction purveyed by the media, and rightly so, for they represent high human drama. According to the first myth we described, citizens are not moved by this drama. According to our second

myth, citizens are a little too moved by it. They worry that jury service will be a little bit too dramatic, that they are not up to the task of being participants.

This story, however, relies a bit too heavily upon the most dramatic portrayals of jury service. General public opinion studies on where citizens learn about public affairs almost uniformly find that our primary source of information about the world around us is our friends, our colleagues at work, and our families. We learn more about the world around us by interaction with other people than we do from reading the newspaper or watching television. Everyone knows someone who has served as a juror, and this jury service is a frequent conversation topic at work and in the home. Our survey confirms this fact; by far the most prevalent source of information about jury service was prior service as a juror or conversations with others who had served.

This report indicates, in fact, that citizens are quite well-informed about jury service. Our surveyees had accurate understandings of how long they were likely to serve, what type of experience they could expect, how well they would be compensated by the court, and how they would be treated before and during their jury service. Some citizens did worry about the possibility of serving on a case such as those they occasionally observe on television or read about in novels, but they seem aware that the chances that they would get in over their heads are low. They also do seem to believe that the court would take appropriate steps to ensure that they had a relatively pleasant and engaging experience.

Where citizens are often misinformed, however, is in learning how to discuss their reservations about serving with the court. Most often, these are not reservations about the danger of serving; they are reservations about taking time away from work, about arranging child-care, and about deferring jury service to fit their schedules more conveniently. Perhaps they are frightened by the technical language of the imposing summons they have received in the mail, which calls upon them to rearrange their lives so as to be in court at a particular date, a date not very far in the future, and threatens legal recourse if they do not appear. Who can blame such citizens for failing to scrutinize the fine print which explains how they might defer their service, or how they might explain their problems with service with the court?

The Inaccessible Citizen

Most courts recognize that a certain percentage of the summonses they mail out will not reach their intended recipients, yet will also not be returned by the post office. This percentage varies across different courts, depending upon the transience of the population, the efficiency of the local postal service, and the accuracy of the court's source lists.

The fact that we were actually able to contact any of those citizens whose summonses were returned as undeliverable is remarkable. It indicates that some citizens may have moved across town, or even just a few blocks away, yet could not be traced by the court or the postal service. The fact that such a high percentage of the citizens who were considered nonrespondents by the court were, in fact, not residing at the addresses the court had indicates that many courts' source lists are severely out of date.

Solving this problem may be out of the hands of many courts. Courts cannot devise their own source lists; they are forced to rely upon others for the names and addresses of potential jurors. We doubt, however, that these citizens cannot be traced and cannot then either be contacted at their correct addresses or taken off the juror lists. Doing this requires substantial cooperation between different governmental or corporate agencies. It requires that information about who lives where be shared by the courts, by the local board of elections, by the department of motor vehicles, and perhaps by welfare agencies or utility companies. Many people worry about the Orwellian nature of such cooperation—income tax lists, for instance, are legally off limits for anyone but the department of revenue in many areas.

It seems to us overly paranoid, however, to assume that any harm could come to citizens from further cooperation in locating jurors. Some citizens, to be sure, are puzzled when they receive their summonses. They wonder how the court found them. After all, they have not registered to vote, and they may have declined to register in order to avoid jury service. For every such citizen, however—and such reasons for failure to vote hardly seem a legitimate way to avoid jury service—there are many who wish to serve. In a few of our post-test interviews, we contacted citizens who we thought had ignored their summonses and found that these individuals had not received a summons and actually wished that they had.

Given the generally positive attitudes of the citizens whom we contacted, it seems likely that the majority of those whom the court would reach with better source lists would not be averse to the idea of serving as a juror.

Linking Reforms to Citizens' Attitudes

We found in our survey of court administrators that summons response rates do not differ systematically across different types and sizes of jurisdictions. We found in our citizen surveys that summons response rates also do not differ across different demographic categories of citizens—their variation by age, income, education, and race is slight at best.

We found in our court administrator survey that types of reforms implemented show some variation across types of jurisdictions. Larger, more urban courts have generally found it most cost-effective to implement reforms whose cost is not dependent upon the size of the jury pool. Smaller courts, on the other hand, are able to make expenditures which have a per-capita cost. They are able to enforce summonses, for instance, because they can try to track down individual systems. Larger fixed costs, for instance—such as the cost of creating an automated call-in system, computerizing records, or redesigning facilities—are often beyond their means.

There is no magic solution to the problem of summons nonresponse. Among the reforms we discussed, only a few were related to different levels of summons nonresponse—and even there, we cannot be certain that the reform *caused* changes in nonresponse rates. We found that the total number of reforms implemented was related to rates of summons nonresponse, but the causal relationship is again the opposite of what one might expect. Courts with more reforms have higher rates of nonresponse, indicating that problems in juror yield have prompted courts to try many different ways of increasing summons response and juror satisfaction. Some of these reforms may work in the long run; many will not work to increase summons response but nonetheless seem unlikely to make matters worse.

To say that reforms will not make matters worse, however, is hardly a sterling endorsement. The reader should keep in mind that many of the reforms we describe were not intended primarily to increase juror

yield. Instead, many were designed to make courtroom procedures more understandable for jurors, to give them a greater role in trials, and to make them more comfortable and engaged during their service. Many of these reforms—such as juror note-taking, for instance—cost the court little or nothing, and appear to make a significant difference in jurors' satisfaction with trials and, perhaps, in the fairness of these trials. If these reforms cause even a handful of jurors to tell their colleagues and friends that they had a good experience, then these changes may have side effects in increasing juror yield. These side effects may not be easily measurable, but they are still important.

Our citizen surveys also did not point to one magic solution to the problem of summons nonresponse. Different citizens have different reasons for being apprehensive about jury service. In some cases, it may be beyond courts' means to address these apprehensions. In others, courts do have the ability to reach out to citizens, to correct their misperceptions about jury service and, where citizens' fears or misgivings about jury service are accurate, to make changes in their own procedures.

This survey was too small to provide a truly national picture of citizens' views of jury service. It was also too big to conduct intimate conversations about the complexity of citizens' views. In each of the four jurisdictions we surveyed, we found that the court administrators' views were "closer to the ground" than we could ever hope to be in conducting a survey. These court administrators were able to talk to citizens in a less formal manner than we were, and they were able, in many cases, to have one-on-one conversations with jurors and citizens about jury service. We suspect the same is true for most of the individuals whom we surveyed in the court administrator survey.

To a large degree, however, the views of court personnel are shaped by stylized views of what citizens want from their court and what they think about jury service. Some of the findings in this study support traditional perspectives on citizens' attitudes, while others call these perspectives into question.

We found, for instance, that employer compensation is a major worry of citizens. In cases where employers do not reimburse their workers for time and income lost due to jury service, each citizen must make his or her own decision about whether this sacrifice is

worthwhile. This fact is known to almost all of the court administrators whom we surveyed, and it frequently topped the wish lists of court administrators in jurisdictions where some form of employer compensation is not mandatory. In many cases, changing or implementing laws about employer compensation is beyond the court's means. In jurisdictions such as these, we were struck by the outreach courts attempted in using persuasion or publicity to enlist local businesses in their attempts to expand jury pools.

We also found that many of those who are able to make the financial sacrifice, if there is one, of serving on a jury nonetheless are reluctant to respond to their summonses because they believe they will not be selected. In talking to friends about this report, a number of us have encountered individuals who were quite familiar with the courts, yet believed they would never actually serve on a jury precisely because of this knowledge. In Chapter II, we detailed the process by which professional excuses have gradually been discarded by American courts. The perception still exists, however, that courts and lawyers want jurors who will come to court with a blank slate. As Judith Kaye in New York and many other court personnel who themselves have served on juries have noted, this is in fact untrue. Court administrators know that white-collar professionals believe they will never be called upon to serve, and they have sought to persuade these people that they are mistaken. At times, vigorously enforcing summonses has been the only way to do so.

Our findings contradicted conventional wisdom in a number of ways, as we noted in section one of this chapter. Citizens are not as hostile to jury service as many have assumed. They are also not as mistaken about the experience they will have if they respond to their summons. There is much that courts can do to enhance summons response. The recommendations that follow are thus a mix of tried and true remedies and some more novel prescriptions.

Bringing Citizens Back to the Court: Recommendations for Improving Summons Response

Each of the following proposals is consistent with the data in this report. We begin with those which have the strongest empirical support, and move to others which, though our data are not conclusive on the matter, were frequently mentioned in both of our surveys.

1. *Summons response should be enforced.* The strongest finding in both of our surveys was that sending follow-up mailings to no-show jurors and, when necessary, requiring such citizens to attend show-cause hearings and penalizing them for their nonresponse, substantially increases summons response rates. We have some misgivings about this procedure. It may produce more jurors, but these jurors may develop negative attitudes towards the court because it has forced them to show up. Many judges and court administrators with whom we spoke were reluctant to coerce reluctant jurors into attending. In addition, we share the conclusions of the Washington, D.C. jury reform commission that unless such a procedure is implemented very cautiously, many people who did not actually receive their summons, or who had valid reasons for nonresponse, are likely to be penalized. Another concern, of course, is the cost of an enforcement policy—locating these citizens, ensuring that they have indeed received a summons, and taking the time to listen to and discipline each of them is a formidable task. Summons enforcement is, however, the strongest factor in our surveys in inducing citizens to respond to their summonses. *We recommend a selective, careful enforcement policy, coordinated with local media, so that a small number of show-cause warrants are issued and publicized.* This would be the most cost-effective means of demonstrating to the public that there is a penalty for nonresponse.

2. *Citizens should know how to defer or be excused from jury service.* This is the main aspect of jury service about which citizens lack information. Courts should be clear about which excuses are valid and which are not. They should be generous in allowing citizens to defer their summonses. Being overly generous, of course, runs the risk of having citizens take advantage of court policies. Our data indicate, however, that many citizens have difficulty contacting the court and acquiring a clear understanding of how they can defer service or be excused from service. This information is generally available on the summons, but citizens are frequently given rather tortured instructions on how to gain a deferral or excuse. In some jurisdictions, citizens must send a letter to the court and then wait a week or more to receive a rather perfunctory and vague response. *We recommend that courts establish a toll-free telephone number to discuss summonses with citizens. We also recommend that courts provide clear and prominent instructions on the summons for citizens who wish to defer or be*

excused from jury service. Citizens should be able to find out the result of their request promptly and with a minimum of red tape.

3. *Court outreach should be directed at the real concerns of citizens.* Citizens have surprisingly accurate understandings of the nature of jury service. Their reluctance to respond to a summons is often based on perceptions that they will spend a long time waiting to serve or that they will never actually serve. Instead of publicizing the civic duty aspect of jury service or the personal benefits of serving as a juror—things which citizens already know or believe—courts should address concerns about the experience of citizens before they are actually seated on a jury. *We recommend that courts make available to citizens, as a part of court outreach efforts, statistics on the average wait of citizens before they are called for a voir dire and the percentage of summoned jurors who are actually seated on juries.* Such information could be conveyed in publicity materials, or provided with the summons.

4. *Outreach efforts should emphasize the ability of anyone to serve competently.* Many citizens ignore their summonses because they believe they are not able to perform the function of a juror. They see the jury as an august deliberative body and they believe their opinions would not count. They believe they would be treated with disrespect because others in the courtroom or on the jury know more about the law or can understand the facts of a case better. Therefore, jury service should be demystified. This demystification can include courtroom reforms, such as the provision of jury instructions in plain English, but courts should also consider how to reach out to citizens to encourage them to serve. *We recommend that outreach efforts focus upon the fact that any person can serve well as a juror.* Making it clear to citizens that the average juror has no special expertise or knowledge and that their opinions count as much as those of the other jurors (and more than those of the attorneys arguing the case) will make them more confident in their own abilities. This could take the form of public service announcements featuring stereotypical “average citizens” recounting their jury experience.

5. *Outreach efforts should also emphasize that those citizens who do have substantial knowledge of the law will not be automatically excused.* Many citizens believe they know too much about the law, that no lawyer would ever allow them to serve as a juror.

This is becoming less and less true today. Many cases will benefit from having jurors with considerable knowledge of the subject matter at hand. Literature on jury reform is replete with stories by judges, lawyers, and court personnel about how grateful they were for their opportunity to serve on a jury. *We recommend that outreach efforts include mention of the fact that people with education in the law or other relevant matters will not automatically be excluded from jury service.* This could take the form of public service advertisements featuring judges, politicians, or other prominent individuals discussing their jury experience and directly addressing the perception that such people do not serve.

6. *Courts should be as efficient as possible in juror use and in speeding up trials.* Aside from concern about the time they will spend waiting to serve, citizens also believe jury service will last somewhat longer than it actually does. Courts should try to reduce the length of time jurors will serve and will wait, and they should also make this information public. Where there is a one-day/one-trial system, citizens should know this and know what it means. Where there is not, citizens should know the average length of service. *We recommend that courts provide information with the jury summons on the average length of service.*

7. *Jury summonses should be clear and non-threatening.* The average jury summons is a frightening document. It is frequently a densely worded document in triplicate, packed with legal language. Summonses should be more user-friendly. They should be written in accessible language and they should prominently address citizens’ problems with responding to the summons. They should be inviting. Many of the summonses we looked at require citizens to return a qualification questionnaire, yet do not even provide a business-reply envelope. We highly recommend that courts consider the Massachusetts summons reprinted in Appendix 1 as an example of a user-friendly summons. *We recommend that courts consider whether their summonses need to be redesigned to be less imposing and more clear and informative.* Summonses should be considered a form of outreach—indeed, they are the sole form of outreach that is guaranteed to reach every summoned juror. As such, they are the place to start in addressing citizens’ questions about jury service.

8. *Source lists should be as accurate as possible.* They should be updated frequently. Information on changes of address should be shared with other bureaucratic agencies. Especially if a court has or plans to adopt a summons enforcement policy, up-to-date and inclusive jury wheels are essential. *We recommend that courts update their jury lists as frequently as possible, and that they share information about undeliverable summonses with the providers of those lists.*

9. *Courts should work with local employers to encourage them to compensate their employees for jury service time.* As the comments of court personnel in Arizona indicate, if courts do not keep in close contact with local businesses and explain to them why compensating their workers is important, fewer and fewer employers will reimburse their workers for jury service. For most larger corporations, the money lost due to jury duty is minimal. It is, in addition, a cost we should call upon corporate citizens to bear. Though there will be obstacles, courts should also implore their state legislatures or other elected officials to pass laws mandating employer compensation for at least a few days of jury service. Courts should seek legislation which prevents employers from discriminating against or penalizing workers who take time off for jury service. If this is not possible, courts should at least make corporations a primary target of their outreach effort. They should commend businesses that do have generous employee compensation, and they should work with those who do not to explain the importance of enacting such rules. *We recommend that courts approach both legislatures and local businesses to procure better employee compensation laws or rules.*

10. *Courts should work with the legislature to enact jury reforms.* Many jury reforms are internal procedures; court personnel wishing to work towards enacting courtroom reforms often need only convince judges or lawyers of their ideas. In other cases, however, laws need to be changed. This is particularly the case with employer compensation and juror fees. Legislators have been an afterthought in many jury reform proposals, and they have often been uninformed or misinformed about the rationale behind various proposals or the costs of such proposals. *We recommend that any court considering jury reforms bring local legislators into the picture as early as possible.* Few of the proposals we consider would be a tremendous burden upon state governments. Information on the benefits and the costs of jury reforms should be

made available to all.

11. *Child-care should be a priority of courts.* Our survey indicates that the percentage of citizens who would require child-care were they to serve on a jury is relatively small. Nonetheless, many of them cannot serve because they are unable to make child-care arrangements. Providing an accredited child-care program in or near the courthouse, free of cost to jurors, is one potential remedy. Many citizens, however, are uncomfortable with the idea of leaving their children at an unfamiliar child-care facility. In this case, providing reimbursement for child-care is also an option for courts. *We recommend that courts both provide child-care facilities for jurors and provide reimbursement to jurors who use other child-care providers.*

12. *Jurors should be paid more.* Study after study shows that citizens do not consider the amount of money they will receive for their jury service an important determinant of whether they will respond to their summons. Nonetheless, we speculate that courts with extremely low juror fees are sending a message to jurors that their time and the function they perform is not that important or valuable. A juror who receives a \$5 check for a day of jury service may not need that check, but this check is a sign that she has performed a relatively small task. We do not believe that jurors should be paid differently according to their occupation or circumstances, but we do believe that a sliding scale which takes into account the length of a juror's service—increasing compensation after the third day of service, for instance—would also be a good idea. *We recommend that courts view juror fees as a sign of respect for the juror.* We recognize that the determination of juror fees is in the hands of county and state elected officials, not court personnel. Nonetheless, court personnel should impress upon these elected officials the importance of adequate juror fees. It is difficult to put a precise dollar figure on such a token of respect, but we believe an amount between \$25 and \$50 would be appropriate.

13. *The courthouse itself (and its neighborhood) should be more juror-friendly.* A common thread in each of the site visits we made was that jurors were reluctant to come to the courthouse because they thought it was in a bad area, or that there was nothing to do in its vicinity. Some jurors will certainly turn around and go home right after their service is completed each day. For many others, however, the op-

portunity to respond to a jury summons can be an opportunity to go downtown for the day, to get a nice dinner at a nearby restaurant, to send off the rest of the family to go shopping, to go to a museum, to go to a movie. There is little that courts can do to change the quality of their surroundings. They can, however, provide jurors with convenient and safe access to the courthouse, and they can work with local businesses or local attractions to steer jurors towards the neighborhood. Several of the courts we surveyed provided jurors with vouchers for discounts on meals in the area, or with a pamphlet describing cultural or shopping opportunities in the area. Courts can serve a vital public relations function for their neighborhood in this way, and they can enhance the juror's experience. *We recommend that courts provide, with the jury summons, a concise map of their surroundings and a guide to other activities jurors (or their families) can pursue near the courthouse.*

14. *Jury reforms should be implemented as a package.* One individual, isolated jury reform is likely to make little difference. The courts with the greatest juror yield problems have seen fit to implement comprehensive reform packages. Many of the changes described here will face opposition. It seems to be the most effective use of the court's time and resources to use the window of opportunity created by the attempt to enact any one reform to also pursue several others. *We recommend that courts tie as many of their desired reforms into one package, as possible.*

A Final Word

During the course of researching and writing this report, we had the opportunity to speak with many individuals who have worked diligently to improve the experience of jurors and to tell anyone who will listen about the benefits of serving as a juror. We also encountered many citizens—including our own friends, family, colleagues, and acquaintances—who had stories about their own jury service. We came away from these conversations with a strong belief that jury service can and does serve a vital function in our nation for all involved—for those who participate as jurors, for those whose actions must be judged by the jury, and for the public, whose judgement the jury represents.

In seeking to fulfill each of these functions, both the jury and the court have a formidable task. Yet it is

a task that most jurors welcome, and that most jurors find, after having served, to be a valuable experience. Some of the most diligent and perceptive of the court personnel with whom we spoke were people who had also served as jurors—people who valued the opportunity to see the courts from the juror's perspective. The conclusions we draw in this report, and the recommendations which stem from them, appear to us to be products of common sense. Our courts have so many functions to perform, that it is not surprising that jurors, and their views and rights, are occasionally lost in the shuffle.

It is our hope that this report encourages those within our courts to take a step away from their official duties and to look at jury trials not merely from the point of view of the jury commissioner, the court administrator, or the judge, but also from the point of view of the citizen. We hope this report will remind them that jury service is regarded by most of the public as a fascinating and important experience. They should also be reminded, however, that the prospect of jury service is also somewhat frightening. It is an experience which must be offered to the public in such a way that the best aspects of both the public and the courts are brought to bear in the courtroom and before citizens arrive in the courtroom.