

JURY MANAGERS' MANUAL

The Jury Managers' Manual is a complete guide to all elements of a trial court juror management system. The subject matter is organized chronologically to match the process by which jurors experience their service. It is the intent of the Office of the State Courts Administrator that the manual be a user-friendly reference source.

Effective and efficient juror management will save juror compensation dollars and minimize the inconvenience of those who serve as trial jurors and their employers. Through the efforts of the jury management project, the Florida State Courts System and diligent jury staff, both in the trial court administrator offices and local deputy clerks offices, saved over \$3,331,203 in juror compensation costs in fiscal year 1993-94.

Achievement and maintenance of the goals of the jury management project cannot continue to be realized without the cooperation of all chief judges, all judges conducting jury trials, trial court administrative staff, and deputy clerks.

The Office of the State Courts Administrator has established procedures for monitoring jury system performance in the local trial courts. In addition, the OSCA staff are available to provide technical assistance and training to the trial courts when requested.

Any questions about this manual should be directed to Research, Planning & Court Services, Office of the State Courts Administrator, 500 South Duval Street, Supreme Court Building, Tallahassee, Florida 32399-1900. The telephone number is (904) 922-5094, or SUNCOM 292-5094.

This manual replaces the Jury System Management Manual issued January 1985.

This manual has been developed to assist jury management professionals implement and maintain an efficient and effective trial court jury management system. The manual provides guidance for improving the process by which jurors are selected, called for, and experience their jury service. It also covers unique situations which require special planning, strategies for monitoring jury service, and requirements for statewide reporting.

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Jury Management Introduction

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1.1 Historical Background

Florida's constitution (Article I, section 22) guarantees that any person accused of committing a crime has the right to a jury trial. In most civil actions, a jury trial is also an established right. In order for individuals to exercise this right, the court must maintain a system of providing jurors for trials. For many jurors, service on a jury is an important opportunity to fully participate in the responsibilities of citizenship. The U.S. Supreme Court noted that "for most citizens, the honor and privilege of jury duty is their most significant opportunity to participate in the democratic process." *Powers v. Ohio*, 111 S.Ct. 1366, 1369 (1991).

In April 1990, the Office of the Auditor General released a performance audit of the petit jury management activities of the Florida State Courts System. This report was critical of jury management practices in local court systems. The auditor general found that procedures used by the trial courts to manage petit juror usage varied widely and that many counties could improve the efficiency of their jury management practices. The report concluded that the courts could save as much as 25 percent of its juror costs if certain management efficiency measures were implemented uniformly across the state.

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Powers v. Ohio

In response to the auditor general's performance audit, the Supreme Court of Florida directed circuits to reduce the number of jurors called for service and improve the efficiency with which jurors are managed once they report to the courthouse. In August 1990, Chief Justice Leander Shaw created the Jury Management Steering Committee to review jury practices and make recommendations for the establishment of rules, policies, and procedures to ensure the efficient and effective use of jurors in Florida's courts. Two months later, based upon the steering committee's recommendations, he instituted the jury management program.

With the jury management program, each circuit was given primary responsibility for achieving cost savings and other goals related to efficient jury management. The minimum goals established by the Chief Justice included:

- ◆ mandatory reductions in total juror days paid;
- ◆ a maximum number of jurors to be summoned for any trial;
- ◆ a circuit plan, appropriate to local conditions, to implement cost reduction goals; and

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- ◆ jury activity reporting requirements.

The Office of the State Courts Administrator (OSCA), with legislative support, secured 16 deputy and senior deputy trial court administrator positions which were allocated among the circuits to improve jury management practices. These positions were established with the understanding that failure to achieve cost-effective goals would result in a loss of the positions.

As a result of this program, juror per diem costs were reduced from \$7,868,953 in 1989-90 to \$4,055,845 in 1994-95. When compared to fiscal year 1989-90, this savings equated to not only a financial savings to the state but also allowed an estimated 157,350 citizens each year to spend 232,547 more days at home with their families, at work, or at other activities.

1.2 Purpose of the Manual

The jury manual has been prepared to assist professional staff with the efficient management of juries. Whether a professional fills the position of the jury manager, jury clerk, jury judge, or other related position, the manual has been designed to present

... [this] manual has been prepared to assist professional staff with the efficient management of juries.

generally accepted approaches to effective jury management and to describe actual practices used by various trial courts in Florida. Each jury manager (the term used throughout this manual to identify the person responsible for jury management) should consult with policy makers (i.e., chief judge, jury judge, trial court administrator, clerk of the circuit court, and other parties), as necessary, before implementing these suggestions.

1.3 Goals of the Jury Management Project

As a jury manager, the goal is to achieve effective juror use which should yield important benefits. These benefits include: (1) a reduction in unnecessary juror days; (2) a user friendly jury system for the citizens of each county; (3) a reduction in lost income to private businesses or individuals; (4) an improvement in overall juror attitudes; (5) a reduction in cost to the state; and (6) an improved understanding of the work of the court.

◆ Reduction in Unnecessary Juror Days

A primary goal for all jury managers and judges should be to have a system that ensures that jurors do not report for jury duty and sit all day without experiencing a voir

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dire process. Communication and call-off telephone procedures are very important in order for this goal to be accomplished. Unnecessary juror days not only result in wasted tax payer dollars, but also present an image to the citizens that state and local governments are inefficient and disorganized.

◆ **User Friendly Jury System for the Citizens of Each County**

It is important that jurors reporting for jury duty have a clear understanding of when, where, and how they are to report. An efficient jury management system strives to execute a courteous and professional process from the initial notification of citizens summoned to the payment of juror service.

Prospective jurors should be provided with clear information concerning the date and time to report for jury duty, the location of the courthouse, where to park, which courtroom or jury assembly room to report and what to expect when reporting for jury duty. Moreover, instructions should be provided concerning call-in systems; the emergency phone numbers where prospective jurors can be reached and which can be provided to work, family, or caretakers; reimbursement procedures; and other tips that may improve the prospective juror's time.

◆ **Reduction in Lost Income to Private Businesses and Individuals**

When citizens are called to jury duty, they and/or their employers may lose income due to their absence from their regular employment. If these citizens are not reimbursed for the difference between their salary and jury fees, they suffer a direct loss. If they are reimbursed, then the employer suffers a loss. Florida's jury management program has reduced the lost productivity and income by summoning fewer people for jury service. The 441,334 jurors who served in 1989-90 were reduced to 283,984 in 1993-94. This allowed up to 157,350 citizens each year to remain at work or conduct other activities instead of waiting to serve on a jury.

◆ **Improvement in Juror Attitudes**

Reactions to jury duty vary from juror to juror. Some jurors report that they enjoyed the entire experience. Others complain that they were needlessly called, kept waiting for long periods of time, and poorly treated. Based on surveys, jurors selected to sit in a trial are usually the most satisfied. To achieve this result, the jury management program has provided training and guidance to jury managers with the goal that each prospective juror attends at least one voir dire. This approach allows summoned jurors to fully participate in the process.

◆ **Reduction in Jury Costs to the State**

The jury management program's goal has been to reduce juror costs to the taxpayers of Florida. Since its implementation, jury costs have been reduced by an accumulative total of over \$13 million from 1990-91 to 1994-95. This cost savings allows the judiciary to use state funds more efficiently and effectively; thereby, improving the overall system.

◆ **Improve Understanding of the Work of the Court**

Most citizens are introduced to the judicial system either through jury service or the payment of a traffic citation. Jury managers and judges should strive to not only explain with clarity the jury service system, but also keep the jurors informed during their time of service. When these two objectives are accomplished, jurors will leave the courthouse with a better understanding of how the judicial system operates.

1.4 Basic Jury Management Process

The practices of effective jury management are best described in terms applicable to all courts and jury sizes. To ensure efficient and effective jury management, the following basic steps should be employed:

1. Develop support of the judiciary;
2. Cultivate a contact person (e.g., the judge's judicial assistant) with each judge who can provide accurate information on pending trials;
3. Develop effective procedures for jury operations;
4. Develop an efficient plan of action for assigning jurors to courtrooms or judges;
5. Summon prospective jurors economically;
6. Treat reporting jurors professionally and deal effectively with reporting issues; and
7. Ensure the swift and courteous discharge of jurors.

Each of these basic steps can be accomplished by using proven techniques and strategies shared in this manual. In order to put these ideas to use, the support and approval of your judiciary will be needed. The following section addresses jury management as a system and the importance of judicial cooperation.

1.5 Jury Management as a System

Jury management is a system composed of many related entities. These entities include judges, clerks of the court and their staff, trial attorneys, court reporters, bailiffs, the public who serve as jurors, and to a lesser degree, the media. A good working relationship with each of these parties is a necessary ingredient to a successful jury management program. Indeed, many circuits affirm this interagency process by establishing jury management teams composed of members from these identified groups.

◆ **Judges**

Judicial cooperation is essential to effective jury management. Because judges

control both the civil and criminal docket, all trial activity is linked to their calendars. Judges require sufficient panels of prospective jurors to select juries and try cases. An expectation shared by many judges is that the jury manager will always ensure that jurors are available for jury selection. If jurors are unavailable, then justice is delayed. The jury manager, therefore, must strive to achieve a balance of meeting judicial needs while minimizing the number of jurors summoned for jury duty. This process is largely dependent upon communication between the jury manager and the trial judiciary.

- **Jury Judge**

Some counties or circuits appoint a *jury judge* who acts as a liaison between the judiciary and the jury manager. The jury judge can assist in making appropriate policies and can serve as a buffer between other trial judges and the jury manager. The selection of a jury judge can be done by the chief judge or through nomination and appointment from all the judges in the circuit. The length of service, duties, and administrative authority can be set by administrative order.

Policies that are viewed as unpopular or restrictive by some members of the judiciary may be perceived as more palatable if introduced and explained by a peer. A jury judge can apply actual knowledge of courtroom proceedings and interactions in the trial court that may be unfamiliar. This technique has proven to be most effective in reducing unnecessary juror days without sacrificing the quality of justice. If a jury judge is used, it is imperative that he or she have the full support and confidence of the chief judge. Otherwise, his or her impact may be diminished and the role circumvented.

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- ◆ **Clerk of Court's Office**

The clerk of court's office administers the jury program in many counties. In others, it plays a lesser role. Depending on the size of the county, the jury clerk, jury manager, or jury staff may have other duties beyond jury management. Regardless of the size of the jurisdiction, the clerk of court's staff typically plays an integral role in the jury system.

- ◆ **Trial Attorneys**

The focus of trial attorneys differs from that of the judge or jury manager. Trial attorneys' primary concern is ensuring sufficient jurors are available to choose a jury which can benefit their cases. Because their focus tends to be individualized by case, attorneys may prefer a system that allows for convenient and ample time for voir dire and provides jurors who are "fresh," (i.e., jurors who have not attended a previous voir dire). This approach is not practical for courts operating a jury pool, or using other efficient jury management practices.

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Attorneys, however, want all jurors to be content, not frustrated and tired. An efficient jury management program has a greater likelihood of producing content jurors

who meet the needs of the local bar. This is an ancillary benefit of effective jury management but, nonetheless, a positive one.

◆ **The Public**

It is important to remember that jury service, while a civic duty, can nevertheless be an inconvenience to many citizens. Thus, it is helpful to make jury service as pleasant and enjoyable as possible for all who are summoned. Juror exit questionnaires indicate that attending at least one voir dire greatly enhances jurors' perceptions of the court. Conversely, excessive waiting or not being called for any voir dire creates significant negative impressions. The most significant consequence is that jurors perceive the courts as insensitive to the value of their time. An efficient jury system fosters a public perception that benefits all.

◆ **The Media**

Relations with the media are usually minimal for jury managers until a high profile case is set for trial. Then, jury managers must carefully balance the media's right to access with a juror's expectation to privacy. Reporters often request copies of prescreening questionnaires of prospective or actual jurors. It is generally accepted that such information is a public record and not noted for specific exemption under section 119.07, Florida Statutes. It is helpful to have a written policy on juror information that may be released to the media. This policy should be reviewed and approved by the court. The presiding judge should be notified of any media request for juror information to ensure that: (1) no prejudice will be incurred and that a fair trial is preserved; (2) jurors are counseled about privacy issues; and (3) jurors are informed about their duty as jurors.

Florida permits cameras in its courtrooms. However, the presiding judge is permitted to exclude cameras if he or she decides that it may be too disruptive. Media access, both print and electronic, can also be heavy for high profile cases. It is recommended that each court develop a written policy for the media and include a section on access to juror names and addresses.

The first step in an effective jury management system is to ensure the efficient summoning of jurors. How does jury staff come up with a list of jurors to summons? How does jury staff communicate to these citizens the importance of their jury service? How does jury staff know how many people to summons so that an adequate jury can be provided? These questions must be addressed and resolved in order to develop and maintain an effective jury management system.

The first step in an effective jury management system is to ensure the efficient summoning of jurors.

2.1 Juror Source List

Currently, the juror source list is comprised of registered voters in Florida. Effective jury management should include a process to identify those jurors who have previously served. Section 40.013(7), Florida Statutes, states the following:

A person who was summoned and who reported as a prospective juror in any court in that person's county of residence within one year before the first day for which the person is being considered for jury service is exempt from jury service for one year from the last day of service.

This exemption applies to those prospective jurors who reported for service. Such jurors do not have to actually serve on a jury to be exempt.

A jury manager should find out what method is used to compile the jury list. Does the court receive the entire list of registered voters, or is it a randomly selected subset of the voters registration list? Counties that create a subset of the voters registration list often do so for technical reasons relating to automation equipment limitations. These subsets¹ are often called jury districts and are authorized under section 40.015, Florida Statutes.

¹ 40.15 Jury districts; counties exceeding 50,000.

(1) In any county having a population exceeding 50,000 according to the last preceding decennial census and one or more locations in addition to the county seat at which the county or circuit court sits and holds jury trials, the chief judge, with the approval of a majority of the circuit court judges of the circuit, is authorized to create a jury district for each courthouse location, from which jury lists shall be selected in the manner presently provided by law.

(2) In determining the boundaries of a jury district to serve the court located within the district, the board shall seek to avoid any exclusion of any cognizable group. Each jury district shall include at least 6,000 registered voters.

A jury manager should also have an idea how representative the potential jury list is as compared to the actual demographics of the jurisdiction. The issue might arise from attorneys in a trial or through media inquiry. The *Florida Statistical Abstract* can give the racial, gender, and age breakdown of the local population. Similar figures for registered voters may be obtained from the local supervisor of elections.

The jury list must be updated annually pursuant to section 40.011, Florida Statutes. More frequent updates may result in a higher summoning yield.

The voters registration list may be updated differently in each county. A good time to update the list of prospective jurors is immediately after an election, since citizens may change their addresses during the voting process. Most counties usually update their source list in January of each year.

The Supervisor of Elections periodically receives a list from the Bureau of Vital Statistics which identifies those citizens who died within the previous year. Those names should also be removed from the list. Different organizations may be responsible for updating the list. These groups can include the supervisor of elections, the clerk of the circuit court, the trial court administrator's office, or county government information services departments. It is incumbent upon the jury manager to know when the list is updated and to ensure that the update is complete and accurate.

The court and the Supervisor of Elections should ensure the secure delivery of the list of names of individuals eligible for jury duty. This assurance helps reduce concerns and avoids any possible questions raised by attorneys in high profile cases.

NOTE: Effective January 1, 1998, the juror source list will change from the voter registration list to a data source of licensed drivers supplied by the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Moreover, an alternative affidavit method will be available to add qualified citizens who do not possess a Florida driver's license. Each county should initiate contact with the DHSMV (904) 922-9000 to begin testing the new lists.

When the source list changes in 1998, jury managers should expect some fluctuation in their summoning yield during the first year of the new list. The renewal period for driver licenses is every four to six years. Many Floridians will either move or change addresses during this period. Therefore, it is recommended that for the first couple of years using the drivers license list that additional prospective jurors be summoned and that the summoning yield be closely monitored.

2.2 Juror Summons

Jurors are notified of jury service through a juror summons. To be effective, the juror summons should meet several criteria. These criteria include the summons as one, easy to understand document which is delivered by first class mail. Also, the summons should explain the consequences of failing to appear.

◆ **The Juror Summons as One Document**

The juror summons should be one document. This criterion refers to the actual court order to appear for jury selection. The prospective juror should not have to look through several documents to piece together when, where, and how to report. Jury duty can be confusing. The court should minimize this confusion by providing a clear, concise summons.

TIP: For examples of juror summons, contact Research, Planning and Court Services at (904) 922-5094.

Many juror summons packages may include maps, questionnaires, general information sheets, or parking vouchers. These items are very helpful to prospective jurors.

◆ **Easy to Understand**

The juror summons should be easily understood by lay persons. It should be written at a newspaper reading level and avoid legal jargon. The print size should not be too small. Good use of layout and colors can improve the readability for jurors. Use capitalization only to highlight key information. It should clearly state the following:

1. the date jurors should report;
2. the time jurors should report;
3. the location where jurors should report (including the address of the courthouse, floor, and room number of the juror assembly room);
4. the expected dress for jurors (perhaps best described as business attire); and
5. a telephone number for more information (including information on standby juror systems or voice mail).

TIP: A good test of the summon's clarity is to get someone not associated with the court to critique your jury summons. Do they understand that they are to report and when, where, and how they should report? Also, ask jurors to critique the summons package. They can point out those items which are confusing or conflicting.

◆ **First Class Delivery**

The juror summons should be delivered by first class mail. Some courts still use certified mail to deliver juror summons; however, this is an expensive proposition and one that has been largely discontinued because of cost. If proof of service is required for those instances when courts wish to pursue citizens not reporting, certified mail can be used for the second notice. It is recommended that the summons be sent approximately four weeks in advance of the actual reporting date.

The timing of the mailing of the summons is important. The summons should be mailed in enough time to allow for mail handling and sufficient notice. If the summons is mailed too early, a greater proportion of prospective jurors may forget about their service. If the summons is sent too close to the reporting date, prospective jurors may not be able to adjust their schedules and cover child care, elder care, or work responsibilities. This situation could increase the number of "no-shows" or increase the number of disgruntled jurors.

◆ **Consequences of Failure to Report**

The juror summons should explain the consequences of failing to respond. Different jurisdictions have varying no-show rates. A certain percentage of no-shows are caused by mis-delivered mail or because citizens have moved and left no forwarding address. Others may simply forget about jury service. Still others refuse to come to court. Willful failure to respond to juror summons is a contempt of court, punishable by up to \$100 in fines and possible incarceration in a local jail for a period determined by the presiding judge. Section 40.23, Florida Statutes, states the following:

(1) The clerk of the court shall generate a venire as prescribed in s. 40.221 and shall summon the persons named in such venire to attend court as jurors at least 14 days prior to the sitting of such court by mailing to each person so named in the venire a written notice, addressed to his or her place of residence, and placing such notice in the United States mail with sufficient postage to carry the same. Upon order of the court, jurors may be summoned with less than

14 days notice.

(2) The jury service of any person who has been summoned may be postponed for a period not to exceed six months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made.

(3) Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse shall pay a fine not to exceed \$100, which fine shall be imposed by the court to which the juror was summoned, and, in addition, such failure may be considered a contempt of court.

The court should establish policies and procedures for enforcing a summons to report for jury service and for monitoring failures to respond to a juror summons. (See Section 2.11, Resummoning Jurors, on page 2-13.) In many circuits, enforcement does not occur because of the cost (i.e., certified mail or hand-delivery by a process server) or because of the belief that those who have to be forced to report would not make good jurors.

By setting forth strict, uniform guidelines for notification and enforcement of the summons, two goals are achieved: (1) an increased summoning yield; and (2) the creation of renewed respect for the judiciary as a whole and jury duty in particular.

2.3 Random Selection in a Jury Process

Random selection in the jury process is a statutory requirement under section 40.221, Florida Statutes. There are many random number generators developed by local counties or which are purchased commercially. Jury managers should identify the method of random selection used to select jurors. A copy of this random selection method should be kept on file in case some party has inquiries concerning the random selection system used.

2.4 Departures from Random Selection

It is recommended that the court have a written policy which defines those areas that the jury staff may depart from the principles of randomness, such as to:

- ◆ exclude persons ineligible for service;
- ◆ excuse or defer prospective jurors; and
- ◆ provide all prospective jurors with an opportunity to be called for service and assigned to a panel before others are called or assigned a second time.

2.5 Local Rule for Jury Selection

Another issue involves the local rule concerning the randomness of the selection process that is required to be submitted to and approved by the Supreme Court of Florida in accordance with section 40.225, Florida Statutes. Alternatives for randomness or automated methods of jury selection must be approved by a majority of the trial judges prior to being submitted to the Supreme Court of Florida.

TIP: The OSCA has copies of local rules. Contact Research, Planning, and Court Services at (904) 922-5094 for more information or for copies of such rules.

2.6 Juror Questionnaire

The use of juror questionnaires before a juror reports to voir dire serves two benefits. It informs a jury manager and the court about those jurors reporting who are qualified to serve on a jury, and it provides basic background information ordinarily sought during voir dire examination. This step can speed up voir dire by providing valuable information to the attorneys, information they will not need to repeat during voir dire.

The juror questionnaire should be short and easy to understand. The questionnaire usually consists of questions relating to spouses, employment, law enforcement officers in the family, prior litigation experience, and potential disabilities that might preclude service on a jury. It may also ask for the telephone number of prospective jurors so that the court can get in touch with the jurors in case a trial is canceled or delayed because of unforeseen circumstances.

◆ Distributing Juror Questionnaires

Two common methods used to distribute juror questionnaires are advanced mailing and on-site distribution.

- Advance Mailing

Juror questionnaires are often mailed to prospective jurors in the original summons packet. If this method is used, an information sheet should be included in the summons package which directs prospective jurors to complete the questionnaire in advance and bring it to court on their reporting day. One suggestion is to print the questionnaire on the back of the summons itself. Then, all the requested information is

available to the jury staff when jurors report. Spare questionnaires should be kept on hand during the check-in procedure for jurors who failed to complete the questionnaire or who forgot their summons.

- **On-Site Distribution**

A jury manager or staff may collect needed information by asking prospective jurors to complete questionnaires when they report for jury service. This method requires that tables or clipboards be available so that jurors can quickly fill out the questionnaires. There will also need to be a supply of pens or pencils available. This method however, does allow the jurors to immediately busy themselves.

2.7 Determining the Number of Jurors to Summons

Various methods can be used to decide how many jurors to summon. Keep in mind that these methods and considerations are not applicable to every situation or every jurisdiction. Jury staff should be cognizant of local situations and circumstances when applying these general rules. The goal is to identify the number of jurors actually needed the day of trial. This step can be accomplished by attempting to predict the number of scheduled trials that will actually need panels on their scheduled trial date. By using available data, the jury manager and staff determine how many jurors to summons.

This planning process identifies the number of cases expected to proceed to trial, the number of jurors needed for each case, the number of jurors expected to be excused or continued, postponed, and the actual number of jurors that respond to the initial summons.

◆ Jury Trial Prediction

First, estimate the number of trials that will actually occur so that you can determine the number of jurors to summon. The focal point for effective jury management should be directed to the actual voir dire. Determining the number of trials that will start on a given day is the foundation upon which all other management decisions are made.

TIP: Review the average number of trial starts per day for several months. All things being equal, this will give you a good idea of how many jurors to summon.

Jury trial prediction may be achieved in many ways, depending upon the local calendaring method, the existence of division-wide administrative plans, and the scheduling independence of the judiciary. In most courts, each trial judge will notify the

TIP: The OSCA can provide historical trial start data by day, week and month. If a court is unsure of the number of people to summons, one strategy is to summons based on the mean number of trial starts by day and week based on historical trial start data. Contact Research, Planning and Court Services for assistance or information at (904) 922-5094.

clerk of the circuit court or the jury manager of the number of cases set for trial. The jury manager should use these figures with caution, for they may overstate the actual number of trials held. The reason for this is simple. During the period from docket day, when the trials are set, to the actual trial, the attorneys are still negotiating a possible plea agreement and testing the other side's willingness to proceed to trial. It is not unusual for at least half, if not 75 percent, of

the scheduled trials to plead or settle between docket day and the arrival of the jury. On the other hand, judges may add trials to the docket at the last minute or assist other judges by handling extra jury impanelments.

◆ **Intangible Factors**

An experienced jury manager will look for intangible factors to estimate the number of trials that will proceed to voir dire. These factors include the following:

- the type of trial (e.g. criminal or civil);
- the trial judge (whether or not he or she uses pretrial conferences and has established plea cut-off dates which will greatly impact trial predictability); and
- attorney trends (i.e., willingness to either plead or go to trial and how many trials are routinely scheduled in a given trial week).

Because these factors are case and personality specific, a new jury manager should collect anticipated versus actual trial start data over several months and then devise a conservative formula to decide how many trials will actually be selected on any given day based upon the number stated to begin on docket day.

◆ **Pre-Trial Predictors**

Many courts have firm rules that aid the predictability of jury trials. These courts schedule cases for a date certain, which greatly eases jury management. In some courts the assistant state attorney withdraws plea offers one week or more before trial. In

other courts, judges will not continue a case within a set period of time before the trial date except in extreme circumstances. All strategies identified above are part of effective case management. Each jurisdiction should review its own case processing system to determine if trial start certainty is being maintained. This analysis should be mindful of the local legal culture and how any changes to case processing will impact major players in this regard.

◆ **Plea Cut-Off Dates**

Procedural and administrative policies can have a great effect on jury efficiency. An administrative order defining plea cut-off dates is a good example of procedural and administrative policy that is important to the jury system. Plea cut-off dates force trial counsel to commit at an earlier stage (i.e., a proceeding prior to trial) whether to use a jury trial. If the time frame for a criminal defendant to accept a plea has been shortened, then trial certainty improves and the actual number of jurors needed can be predicted with greater accuracy. ~~Other examples~~ of procedural or administrative policies that can reduce uncertainty in the jury system include those that help identify which cases are most likely to go to trial and those that reassign a judge when cases are settled or disposed by plea.

2.8 Summoning Yield

The summoning yield is the actual number of jurors who are available to serve divided by the total number of jurors summoned. For example, a typical county may summon 100 jurors for jury duty. Only 34 of these summoned jurors are ultimately available to serve. The summoning yield is then 34 percent (i.e., 34/100). The recommended standard is 40 percent. If your yield is below 30 percent then your excusal policy should probably be reviewed.

The total number of jurors summoned includes jurors who did not receive a summons, failed to report, were excused, disqualified, exempt, or postponed from jury service. Calculating the summoning yield helps determine how many juror summonses to send out. First, determine how many jurors are needed based upon the type and number of trials expected and the subsequent jury pool size. This desired jury pool size is then divided by the summoning yield. For example, if 30 jurors are desired, and the summoning yield is 60 percent, then:

$$\frac{\text{Jurors desired}}{\text{Summoning Yield}} = \frac{30}{60\%} = 50 \text{ jurors need to be summoned.}$$

Summoning yield may vary from month to month or even week to week. The yield may be susceptible to many variations, but most can be tracked over time to determine long-term trends and cycles. For example, college towns have a large transient student population who may leave the area over the summer. Certain coastal

circuits may have seasonal visitors as well. These factors should be taken into account when using the summoning yield.

NOTE: The OSCA can provide historical summoning yield data upon request. Contact Research, Planning and Court Services at (904) 922-5094 or Suncom 292-5094 for assistance.

2.9 Disqualified, Exempt, Excused, and Postponed Jurors

Jurors must meet certain minimum criteria to be qualified to serve as jurors. Jurors must be 18 years of age or older. They must be citizens of the United States. They must be legal residents of Florida and reside in the county in which they were called to serve. These jurors may then be disqualified, exempt, excused, or postponed from jury service based upon the following criteria:

◆ Disqualified Jurors

Individuals may be disqualified from jury service by reason of their status, per section 40.013, Florida Statutes. Of particular note is that the disqualifications relating to criminal conduct apply not only to Florida crimes, but to crimes in any other state or

foreign country. The following individuals are disqualified from serving as jurors in Florida:

- any person convicted of a felony (unless their civil rights have been restored);
- any person convicted of bribery, forgery, perjury, or larceny;
- any person under prosecution for any crime;
- the governor, lieutenant governor, cabinet officers, clerks of court, or judges (see Attorney General Opinion 95-43 which states that masters, magistrates, and hearing officers are not disqualified under the judicial exemption);
- any person with an interest in any issue to be tried (e.g., family members, victims, etc.); and
- any person determined to be mentally incompetent (implied in section 40.022(1)(a), Florida Statutes).

◆ **Exempt Jurors**

Exempt jurors may choose not to serve at their own request. The statute refers to both jurors excused at their own request and jurors excused at the discretion of the judge. For purposes of this manual, a distinction is made between the two types of excuses. Jurors excused at their own request are termed *exempt*. Jurors that may only be excused at the discretion of the trial judge are termed *excused*. The following jurors are exempt, and may choose not to serve based upon their own personal convictions or simply their convenience:

- any full-time federal, state, or local law enforcement officer or such entities' investigative personnel (the test for law enforcement officers is whether they are sworn, authorized to carry a weapon, and have arrest powers; the test for investigative personnel is whether they spend a majority of their time conducting investigations);
- any person who was summoned and who reported as a prospective juror in any court in that person's county of residence within one year before the first day for which the person is being considered for jury service is exempt from jury service for one year from the last day of service;
- any expectant mother;
- any parent who is not employed full time and who has custody of a child under six years of age;
- a person 70 years of age or older; and
- a person who is responsible for the care of another who is incapable of caring for him or herself (due to mental illness, mental retardation, senility, or other

mental or physical incapacity).

◆ **Excused Jurors**

Excused jurors are those that request not to serve, state a reason for not wanting to serve, and are then excused from service by the trial judge. Section 40.013(5), Florida Statutes, gives the authority to excuse jurors to the presiding judge. In some jurisdictions in Florida, this excusal power has been delegated to jury managers or other staff via a written policy approved by the judiciary. The following jurors **may** be excused at the judge's discretion:

- practicing attorneys;
- practicing physicians (more often postponed to a more convenient time or assigned to panels for one-day trials);
- any person who is physically infirm in a manner consistent with the Americans with Disabilities Act (ADA) (see 42 USC § 12132 et al); and
- any person expressing a hardship, extreme inconvenience, or public necessity (this is the catch-all category that most jurors fall into when requesting to be excused).

◆ **Postponed Jurors**

The courts, as a matter of practice, postpone jurors for two reasons. First, it builds a pool of jurors who are very likely to show up for their next scheduled appearance. Second, it allows the court to promote a strong customer service image and make jury service as convenient as possible for the public. Section 40.23, Florida Statutes, allows postponements of jury service to be made up to six months. The request for postponement may be made either verbally or in writing. The request does not have to be made or granted by a judge. Jury staff may make those decisions if authorized by a jury judge or chief judge.

There are numerous ways to postpone jurors. Some courts schedule all postponed jurors from the same trial week to a selected trial week in the future. This allows the postponed jurors to spread out evenly over a trial docket. Other courts let jurors pick which week they want to serve, but limit the number who can pick any particular week. Whatever method is used, the person who determines how many overall jurors to summon should have access to these numbers as it may effect their summoning decisions. Jurors who are postponed are more likely to report the second time.

Two last issues concerning postponed jurors are: (1) jurors may always request to be postponed; and (2) their request should always be taken into consideration, per statutory requirements.

2.10 Standby Jurors

One way to reduce and control the number of jurors reporting is through the use of standby jurors. Standby jurors allow a court to have available, on reasonably short notice, the number of jurors needed. A standby juror is any prospective juror who is summoned and ready to serve but is told to report to the courthouse only if called. Standby jurors are paid only for the days they actually serve under section 40.24(2), Florida Statutes. (**Note: Service means reporting to the courthouse.**) Using standby jurors saves the court the cost of calling in too many jurors everyday to provide insurance against a greater number of trials than anticipated.

◆ **Standby Juror Perceptions**

Although the flexibility allowed by using standby jurors can save the court considerable money, it can also be viewed as an inconvenience to the juror who does not know whether he or she will actually be called. Some might even suggest that keeping people in suspense as to their service might be as much of an imposition as bringing them directly into court. However, surveys conducted of jurors indicate they generally favor the option of waiting at their home or office rather than at the courthouse.

◆ **Random Selection**

The selection of standby jurors should be just as random as the selection of the general jury pool. In trial courts, part or all of the persons summoned may be designated as standbys with instructions on the summons to call the court the evening before their reporting date to find out whether or not they will be needed. Courts which have many zero days (i.e., days when jurors report and no trials occur) may want to delay trials by an hour or two after the litigants report and put jurors on standby. Courts which usually have some activity decide on a minimum number of prospective jurors to report and put the rest of the venire on standby.

◆ **Voice Mail**

Many courts in Florida use voice mail to inform the juror when to report or to change previous summoning information. Systems with varying degrees of sophistication may be used. These may include an automated voice response system with a menu and transaction capability in a larger county, or a simple answering machine purchased at a local department store in a smaller county with fewer resources. In either case, the cost of these systems has usually been quickly offset by the savings that occurs. Additional services offered with voice mail may

Many courts in Florida use voice mail to inform the juror when to report or to change previous summoning information.

include a toll-free number or a recorded statement accepting collect telephone charges.

- Advantage

An advantage to this voice mail procedure is that it places the responsibility upon the juror and eliminates the time required for court personnel to reach all jurors by phone, a difficult and time-consuming task since many are hard to reach until they report the following morning.

- Instructions

The instructions accompanying the summons relating to the use of a voice mail system should be clear and concise. The first time such a system is instituted, the jury manager should ensure that other jurors are summoned without these instructions, in case of problems with the system, so that jurors can still be available for court. This is especially true in larger jurisdictions with many trials scheduled.

- Service Providers

Courts interested in voice mail should consult the company that supplies their phone service. Other companies also provide these services, perhaps at rates less expensive than through the current phone company. The telephone number can also be a mnemonic device, especially if standby jurors are being used and they might be calling from work or somewhere else where they might not have their summons handy. For example, 458-7677 would spell "4-jurors."

- Capability

The number of devices needed depends on the number of jurors who are on standby or who may be called off. A good rule of thumb is that one telephone number is adequate for about 300 summoned jurors. The telephone line used can be located within almost any office, but it should be answered by someone associated with the jury program.

- Back-up Machine/System

There should be a back-up system in place in case the jury manager is out so that important information is always placed on this line when needed. Another important consideration is to include language in the summons to the effect that if there is no answer, then the prospective jurors should report as originally summoned. This avoids no-shows from later claiming that they could not reach the court, that the line was busy, or otherwise out of service.

2.11 Resummoning Jurors

The jury manager should resummons those prospective jurors who failed to report to their initial jury summons to (1) ensure compliance to the court order, or (2) validate the address list. Trial courts should have a system in place to resummon jurors to ensure

the credibility of the jury system. The summoning yield (see section 2.8, on page 2-9) may begin to experience a gradual decline if the general perception among citizens is that the jury summons are not enforced.

◆ **Policy**

A system to resummon jurors should provide adequate notice that they have failed to report for jury service, state the penalties for failure to report, and then give them a chance to explain themselves by reporting for a date certain. Many courts use a letter to accomplish this. The initial letter is usually friendly, and often takes one of two approaches. The first approach is to state in no uncertain terms that the prospective juror shall report for service on a certain date. The second approach is to require the juror who failed to report to call the jury manager or clerk of the court's office by a certain date. In either case, having a date certain for compliance is essential.

◆ **Enforcement**

The court should be fully prepared to enforce this letter to the extent necessary to achieve compliance. This may require that the resummons notice be sent by certified mail to establish proof of delivery. It also requires a commitment of time by the judiciary to hear any possible contempt hearings.

Most jurors who fail to report are not doing it willfully. Many simply forgot, did not fully understand that their appearance was mandatory, or did not receive the summons. Other jurors may have been on vacation or staying elsewhere for a period of time. Other prospective jurors may have moved. Once prompted, most of the jurors in these groups will report. Very few follow-up procedures to the initial resummons will usually be necessary.

TIP: Involve the judges and the clerk when developing the resummoning plan so that you have their full support for implementation.

The jury manager has now identified and summoned prospective jurors and is expecting them to arrive ready for service. An important step in the process is greeting jurors professionally and amicably.

There are four basic considerations to making a juror feel welcome. They are as follows:

- the jury pool entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse;
- jurors should be accommodated in pleasant waiting facilities;
- the jury deliberation rooms should include adequate space, furniture, and access to bathrooms while ensuring safety and security; and
- the juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

TIP: Go through the jury process yourself. By listening to other jurors, you can identify when the provided information is unclear or intimidating. You can also collect feedback concerning the facilities. A suggestion box or exit questionnaire can be very helpful in identifying areas that may need to be addressed. Also, include a mechanism for collecting feedback on the juror orientation.

◆ **Identify the Jury Assembly Area**

It is important that jurors know where to go in the courthouse to check in for jury duty. An information booth at the front entrance to the courthouse can help. If a courthouse has no information booth, temporary signs can be placed at the main entrance on days jurors are summoned. Other options include interns, volunteers who greet visitors at the entrance just prior to the scheduled juror orientation, and parking attendants who know where jurors report and can direct them to the proper location. This creates a human and personal touch that most jurors appreciate.

Ideally, the check-in facilities should be similar to a well run airport check-in counter. Counters elbow high are easier to rest against and work with. However, remember that some counters must be wheelchair accessible. Computers and other equipment should be recessed, if possible, to create a clear work area.

◆ **Jury Facilities**

Courts should provide an adequate and suitable environment for jurors. The waiting area should include comfortable chairs, tables (if needed), trash receptacles, water fountains, easy access to restrooms, and ample (and current) reading materials. The overall impression should be pleasant; therefore, the room should be well-lit, spacious, and, if possible, have windows. Pictures and other accessories can also provide a friendly atmosphere. Easy access to the outdoors for those who smoke is also helpful. Jury deliberation rooms should also provide adequate space, furnishings, and access to restrooms and smoking areas. The safety and security of the jury deliberation rooms should be ensured.

◆ **Juror Comfort**

The jury assembly room or facilities should be clean and well maintained, especially the restrooms. Such details will help shape jurors' perceptions of the efficiency and conscientiousness of their court system. A good television could be provided, but should be placed in a secluded area to provide quiet space to those jurors who want to work, read, study, or do other activities. Chairs should be comfortable, since jurors may be sitting for long periods.

◆ **Reading Material**

Many comfort items can be arranged at little or no cost to the court. For example, jury staff could bring in personal magazines from home or contact the local public library to see if the court can recycle month-old editions. Another option is to contact the post office and ask if the court can have the undeliverable magazines. Not only is this environmentally friendly by getting additional use out of reading material, but it

gives jurors something to do while waiting. Two caveats apply to this example. First, avoid the "syndrome" where the jury room is full of extremely old magazines in poor condition. Second, avoid magazines that have feature articles relating to crime and the courts or which may be generally offensive to the jurors. These articles could be used by an enterprising defense attorney as grounds for appeal or to challenge the seating of a particular panel. A good rule

TIP: Local newspapers should not be supplied to the jury pool. You run the risk of providing articles on a particular case that may bias prospective jurors. While this fact in and of itself would not cause a juror to be disqualified, it can cause controversy that you would want to avoid. If movies are shown in the assembly room, they should be carefully screened for content, especially those that may deal with courtroom dramas.

of thumb is to go through the jury pool magazines on a weekly basis and cull out old or controversial magazines.

◆ **Juror Orientation**

All trial courts in Florida provide some form of orientation or instructions to prospective jurors. This orientation can be formal or informal. It may be conducted by

the clerk's staff, court administrator's staff, or a judge. Many constitutional officers choose to conduct the orientation themselves as a means to interact with voters. Some form of juror orientation is conducted at every stage in the process, including the receipt of the juror summons, during check-in at the courthouse, upon reporting to a courtroom for voir dire, directly following empanelment, during the trial, prior to deliberations, and after the verdict has been rendered.

Orientation programs should be designed to increase prospective jurors' understanding of the judicial system, relieve juror anxiety, and prepare them to serve competently as jurors. It should be presented in a uniform and efficient manner using an appropriate combination of written, oral, and audiovisual materials.

The jury manager should make sure that court staff can answer common questions concerning pay, length of service, lunch times, places to eat, and jurors' rights regarding inquiries from counsel or the media. The jury manager should also make sure that court staff avoid discussing controversial topics or answering inappropriate questions.

The instructions given to jurors that deal with legal issues should be left to the trial judge. This avoids the problem of court staff causing reversible error during the conduct of a trial. Jurors who ask legal questions should be politely referred to the appropriate trial judge or told that jury staff are not allowed to comment on legal issues.

TIP: Manatee County has a jury orientation video that is nationally recognized. For more information, contact the Clerk of Court's Office at Post Office Box 1000, Bradenton, Florida 34206 or call at (941) 749-1800.

Written juror orientation materials may be sent out with the original juror summons. In many jurisdictions, this information typically includes a map showing the location of the courthouse, available parking facilities, and the availability of public transportation. If reserved parking is available for jurors, include easy to understand instructions and the necessary parking permits. This written material may also discuss payment, length of service, penalties for failure to report, and other topics of interest to jurors.

The jury manager should also arrange for verbal instructions first thing on the reporting day. In some Florida courts, the jury manager or staff describes the basics of the legal system and provides a diagram of the courtrooms, identifies court staff, where they can be found, and describes their function during a trial. Other courts explain the expected or typical duration of service and uncertainty of schedules. This is a good opportunity to explain the benefits of the effective jury management practices.

3.1 Jurors with Disabilities

Courts should make the reasonable accommodations necessary to allow jurors

***Jury Management
Jurors***

3.0 Greeting

with disabilities to participate in the system under Title II of the Americans with Disabilities Act (ADA). The provisions of the ADA directly apply to the court system as a "public

entity" and prohibit discrimination against individuals because of a disability. Title II, when applied to jurors with disabilities, requires that the court make reasonable accommodations in policies, practices, and procedures of the jury system. The court should also ensure the opportunity for effective communications and physical access.

Section 40.013, Florida Statutes, states that a person who is physically infirm may be excused from jury service. It further adds that the judge may not excuse anyone from service on a **civil** trial jury solely on the basis of hearing impairment. To excuse such a person requires a finding on the part of the judge that the evidence in the case requires auditory discrimination. However, attorneys can use a peremptory challenge to dismiss this person.

Some jurisdictions have purchased assistive listening devices or even paid for the services of interpreters for the hearing impaired for voir dire and subsequent trials. Qualified and trained interpreters may need to be provided. Interpreters can often be retained from the local community on an as-needed basis. One concern frequently voiced is the possible introduction of a sign-language interpreter into the jury deliberations. Any appellate challenges might be overcome by requiring an interpreter to take an oath that he or she will not participate in the deliberations and afterwards submitting a sworn statement to that effect.

All juror facilities should be wheelchair accessible. Usually the jury box is the primary impediment to this requirement since most were not designed for use by those in wheelchairs. Possible solutions include building a portable ramp with a proper incline or modifying one or two jury boxes as needed. The courthouse should have appropriate Braille signs where necessary. It should have accessible restrooms, public telephones, and water fountains. Other features should also be in compliance with the Americans with Disabilities Advisory Group (ADAG) standards. Jury managers should consult with their local ADA coordinator to determine if the jury facilities meet these standards. Reasonable improvements should be coordinated through the facility manager. The key is to demonstrate a good-faith effort to improve facilities.

The juror summons should include language referencing the court's policy of making reasonable accommodations, any notice requirements desired, and a point of contact to request assistance. The point of contact should also be available through a TDD. This gives the jury manager notice and time that an accommodation may be needed. The summons itself should be reviewed to ensure it is easily readable by those with partial sight loss, or if it can be made available in alternative formats such as large type or audio.

TIP: The American Bar Association has recently published a guidebook, *Into the Jury Box: A Disability Accommodation Guide for State Courts*, that provides further information on this subject. Call (800) 285-2221 to obtain a copy.

4.1 Overview

A jury pool is a group of jurors reporting for jury duty on a given day and not yet assigned to a panel for voir dire or selected to sit on a trial jury. The distinguishing feature of a jury pool is that prospective jurors may attend more than one voir dire in a day. Jury pools are often in centralized locations so that jurors may easily be dispatched to various courtrooms as needed. In a one-judge court, the jury pool and jury panel are essentially the same. The advantage of the jury pool is that jurors may be shared by many courts and judges, thus substantially reducing juror costs by sharing the risk, by providing for supplemental panels, and by reassigning the balance sent from one voir dire to another one.

One objective of effective jury management is to have each juror attend at least one voir dire.

4.2 Predicting Pool Size

One objective of effective jury management is to have each juror attend at least one voir dire. This gives all jurors a chance to participate and feel that their contribution was important. Many courts carefully monitor the use of the pool each day or week and change the number in the pool on the basis of expected activity. The jury manager should determine a systematic method for predicting the proper jury pool size, as noted in Section 4.4, on page 4-2.

4.3 Calendar Coordination

The administration of the jury system and the operating needs of the court can work together when a written and coordinated master calendar is developed. A master calendar lists the activities that are scheduled for action on each court day. The jury manager can predict from the master calendar which judge is going to trial and even determine the possible number of jury trials that will start on a given day. This information helps approximate the number of prospective jurors needed. Although such forecasting is tentative, it gives all parties a greater amount of information in advance.

If a court operates without calendar coordination, then the jury system will most likely operate independently from the rest of the court. Many small counties in Florida operate in this manner. In a single-judge court, an independent system is common. Courts with minimal calendar coordination have some procedures in place for predicting the number of trials expected. These courts might have trial dockets distributed throughout the court or administrative orders setting division-wide trial calendars. One method that some courts employ is for the jury staff to contact judges individually to ensure trial start predictability.

Courts with full-calendar coordination not only have an accurate prediction of the

number of jurors to summons, but also have more flexibility in the calendaring process through the establishment of feedback loops. For example, before trials are scheduled, a judge or an individual calendaring system might check with the jury manager to see if there are any problems with the proposed date. Conversely, the jury manager can check with trial judges prior to summoning jurors. The purpose of this coordination is to intensify trial activity at times when jurors are available.

◆ **Sufficient Notice**

Essential to proper jury management is sufficient notice to institute proper and reasonable administrative practices. Ample planning and discussion between the presiding judge, jury managers and coordinators, counsel, and all other affected parties should be the rule, not the exception. A circuit-wide policy should be discussed and adopted by each court. Discussions about the type of voir dire to be conducted and the estimated need of prospective jurors should occur well in advance of the beginning of the trial. Judicial leadership, involvement, and control of all aspects of this process are key.

4.4 Determining the Proper Jury Pool Size

The key advantage to using a jury pool is that prospective jurors can be sent to more than one voir dire, thus reducing the number of people that need to be summoned. It is important to keep the number summoned to a minimum so that prospective jurors have the opportunity to experience voir dire. Juror satisfaction is often tied to experiencing voir dire.

The size of the jury pool depends on the number of expected trials and the number of jurors needed for voir dire in each trial. The number of jurors needed in each courtroom for voir dire can easily be determined. For example, assume that jury staff needs to ensure enough prospective jurors are available for a felony trial. Assume a standard jury of six jurors, with one alternate juror (i.e., $6 + 1 = 7$). The state and the defense are allowed three peremptory challenges per side (i.e., $3 + 3 = 6$). Add a safety factor of two jurors per side for challenges for cause (i.e., $2 \times 2 = 4$). Therefore, 17 jurors should provide an adequate number of jurors for this one trial. The Supreme Court of Florida administrative order *In Re: Jury Management Program*, dated March 22, 1995, allows a maximum of 22; therefore, 17 to 22 jurors represent an ample number for this case.

Many judges will not only specify that they expect a trial on a specific date or during a specific week, but that they also need a certain number of jurors in voir dire. Occasionally the desired number of jurors will exceed the administrative order on jury management. You should discuss requests for exceptions to this administrative order with the jury judge or trial judge making the request. An accommodation can usually be worked out that satisfies all parties.

Several courts in Florida have instituted the use of multiple voir dire and single

day empanelment. Many jury managers have developed a short hand system of formulas to determine the number of jurors that will be needed. These formulas are usually locally devised.

TIP: The following formulas are provided as guidelines. You should apply common sense to all jury decisions. If you question the results provided by these formulas, you should err on the side of over-summoning so that the needs of the court are covered.

One such formula looks at the actual juror requirements for each trial and offers variations for either single jury selections or multiple voir dire. This sample formula for a single jury selection is as follows:

◆ **Single Jury Selection Method**

KEY	
SJS	= Number of prospective jurors needed for single jury selection
J	= Number of jurors to be selected
A	= Number of alternates to be selected
PC	= Number of peremptory challenges allowed
RJ	= Number of reserve jurors for challenges for cause
$J + A + PC + RJ = SJS$	

This formula follows the earlier example for the simple felony trial in which six jurors, one alternate, six total peremptory challenges, and four reserve jurors for cause (two for each side) are needed. Therefore, the calculation is:

$$6 + 1 + 6 + 4 = 17 \text{ prospective jurors are needed for voir dire.}$$

◆ **Multiple Jury Selection Method**

If you handle all voir dices needed for the week on one day (multiple voir dices), the formula recommended to help you predict the number of jurors needed is as follows:

KEY	
MVD	= Number of prospective jurors needed for multiple voir dire
Ju	= Number of juries to be selected
J	= Number of jurors needed
A	= Number of alternates needed
PC	= Number of peremptory challenges allowed
RJ	= Number of reserve jurors for challenges for cause

$$Ju (J + A + PC + RJ) - (Ju - 1)(PC) = MVD$$
$$(Ju - SJS) - (Ju - 1)(PC) = MVD$$

NOTE: Under multiple voir dire, you can subtract the number of peremptory challenges because you will have enough remaining jurors from previous selections to provide for subsequent selections.

An example of calculating the estimated number of jurors needed for multiple voir dire is as follows:

You learn that five juries will be selected for a particular trial week on a single day (Ju = 5). Based on the earlier formula for single jury selection, you already know that you need 17 jurors per jury selection. You know from experience that one trial will not proceed (i.e., one case will be continued or will result in a plea); therefore Ju - 1 = 4. Of the four remaining juries expected to go to trial, each case has six peremptory challenges (i.e., 4 6 peremptory challenges or 24 PC). Now you can complete your formula:

$$\begin{aligned} 5(17) - 4(6) &= J \\ 85 - 24 &= J \\ 61 &= \text{Jurors Needed} \end{aligned}$$

Therefore, you can summon 61 prospective jurors to cover your multiple voir dire for at least four selections.

Trials in more than one courtroom should use combinations of these formulas as necessary. Variations of these formulas can be employed or created as the situation and preferences of a jury manager dictate. Larger or smaller safety factors may also be built in by increasing or decreasing the number of reserve jurors. The concept of a formula to use in determining the number of jurors needed, although different in detail, was developed in *Guidelines for Improving Juror Utilization in United States District Courts*, The Federal Judicial Center, October 1972.

4.5 Managing Peak Demands

Some problems may arise in managing a jury pool. If all trial judges choose to start voir dres at the same time, the jury pool must be large enough to accommodate this demand. For example, most judges holding trials may wish to begin their trial at 9 a.m. on Monday. This schedule can become problematic because the jury manager must summon enough jurors to meet this peak demand. One way to address this challenge is to stagger the trial starts throughout the day so that the initial pool of jurors is not too great (see the following section). A tendency is to create a jury pool large enough to cover all possible demands, which erodes the potential advantage of a jury pool. The amount of time that jurors spend waiting in a jury pool is often overlooked. Therefore, the main management challenge is to balance the number of jurors needed with the number of voir dres scheduled. Summoning too many jurors can greatly increase overall waiting time and time for reassignment. A simultaneous goal is to ensure that 100 percent of jurors in the pool attend voir dire.

4.6 Staggered Trial Starts

Staggered trial starts are key to the success of any jury pool. All or most trials should not start at 9 a.m. on days that prospective jurors are available. Rather, about 60 percent should start in the morning, the balance in the afternoon. Those jurors not selected for morning trials can be reassigned to afternoon panels. Starting all trials in the morning has negative consequences: (1) it requires that a larger venire be summoned initially which can be cumbersome for jury managers; (2) it precludes the recycling or reuse of jurors; and (3) it creates a lot of waiting. One hundred percent or greater attendance in voir dire should be the objective of every jury pool. In fact, those circuits with the highest percentage of voir dire attendance are probably the most efficient in terms of jurors used. This requires calendar coordination with other trial judges and an aggressive jury manager.

***Staggered trial starts are
key to the success of any
jury pool.***

4.7 Panel Assignment

Often panels are escorted to the courtroom and the voir dres begin promptly. In other courts, the panels are kept waiting while preliminary matters are discussed. As a result of these proceedings, the trial may be postponed, a settlement reached, or a plea changed. The jury panel is then returned to the jury pool without being used. Short delays and occasional non-use is expected, but unnecessary delays will cause a large and artificial demand on the pool. Jurors also may perceive delays as a lack of efficiency in the court system. Jury staff should keep records of panels sent from the jury pool, the time they are away, and whether or not they are used.

4.8 Placing Extra Jurors on Call or Standby

Perhaps no other jury technique is as efficient as placing prospective jurors on standby. This involves the juror calling the courthouse each night to see if his or her presence is needed for the next day's proceedings. This also requires the jury office to summon additional jurors for the week of the trial, and daily communication between the presiding judge and the jury coordinator as to juror needs for the next day. One advantage of this process is that it virtually ensures that jurors will undergo voir dire rather than sit idly in the jury pool room. Another advantage is that jurors can continue with their daily routines if not needed. This technique helps foster a public image of the courts as being sensitive and efficient, thus promoting goodwill among jurors. This goodwill may then translate into a desire to serve on future juries.

4.9 Reuse or Recycling of Prospective Jurors

As noted above, all jurors should attend at least one voir dire. If not, then too many jurors are being summoned for the number of anticipated trial starts. Prospective jurors who are not selected for a jury should return to the jury pool to be reassigned to other panels. All jurors should attend one voir dire before any are sent to a second voir dire. This process requires that some trials begin later in the day. Judicial cooperation and calendar coordination are essential.

4.10 Scheduling the Large Panel to Start on an Off-Peak Day

By scheduling prospective jurors for off-peak days (typically for a high profile case), usually Thursday or Friday, courts can minimize the stress on the jury pool, parking, and court personnel. It is imperative that the court have a reasonable idea as to how many jurors can expect to experience voir dire in a given day. Most courtrooms in Florida are not large. If the court elects to conduct voir dire in the courtroom then it must be mindful of the maximum seating capacity. One option is to conduct voir dire in the jury assembly room. The other is to stagger panel arrival over several days. Media concerns, juror privacy, and security should also be factored into this decision.

4.11 Removal from the Jury Panel for Cause

If a judge, during the voir dire, determines that an individual is unable or unwilling to hear the particular case fairly and impartially, that individual will be removed from the panel. Such a determination may be made on motion of counsel or on the judge's own initiative (see rule 3.300(c), Florida Rules of Criminal Procedure and rule 1.431, Florida Rules of Civil Procedure). Generally one or two extra jurors in each panel are sufficient to ensure jurors are available to replace those challenged and subsequently removed for cause. Exceptions to this general rule of thumb include high profile or notorious cases.

4.12 Allowances for Peremptory Challenges

A peremptory challenge is the striking of a prospective juror from the jury panel without giving a reason. The number of peremptory challenges and the procedure for exercising peremptory challenges is set by rule, statute, and case law and is uniform throughout the state.

In civil cases, with one defendant, the number of peremptory challenges normally does not exceed three per side. In situations with multiple defendants, peremptory challenges increase respectively. The number of peremptory challenges in criminal cases ranges from three to ten on the following basis:

- ten per side when a death sentence **may** be imposed upon conviction;
- six per side when a sentence of imprisonment for more than six months **may** be imposed upon conviction; and
- three per side when a sentence of incarceration of six months or less or when only a penalty not involving incarceration may be imposed.

Trial judges can allow additional peremptory challenges on their own initiative when they feel it is justified. Jury staff should always determine how many peremptory challenges are to be given in each case prior to summoning the jurors. This factor makes a great difference upon the ultimate amount of jurors needed in any particular case.

4.13 Voir Dire Length

The voir dire process is used to solicit information from persons on the jury panel to determine their suitability to serve as jurors on a particular case. Voir dire is French for to speak the truth.

The length of voir dire is a factor that may be critical for determining the number of jurors to summon. Jury panels in certain types of cases can be selected quickly, particularly when the issues to be presented at trial are few and the attorneys are both familiar with the trial judge and each other. In these situations juries can usually be picked in an hour, or less. The jurors not selected are then free to participate in a voir dire scheduled for later in the day or to provide the reserve for another jury selection in a different courtroom. On the other hand, jury selection for some trials may last the better part of a day or more. Jury staff should not make plans to use most of these jurors in other courtrooms unless, some jurors are dismissed early and recycled back into the jury pool.

A way to reduce the time required for voir dire is to provide in writing basic background information regarding persons on the jury panel to the counsel for each party on the day that jury selection is to begin (see section 2.6 on page 2-6).

Another strategy is for the trial judge to personally conduct the initial voir dire

examination. Trial counsel should be permitted to question panel members for a reasonable period of time. In routine civil or criminal cases, the trial judge may conduct initial voir dire and limit further questioning by counsel for the state and each party to a set amount of time.

4.14 Multiple Voir Dire

Multiple voir dire consists of a judge selecting several juries on one day with the trials set to start on a later day. In this manner, jurors need only be summoned for one day for trials scheduled before that judge. For example, a judge on Monday morning, would pick juries for four trials that will take place later in the week. The various voir dire will take most of that Monday. The selected jurors would return throughout the week on the day of their scheduled trial. The trial would then proceed as scheduled, but start with opening statements and presentation of the evidence the day of trial. The jurors are often not sworn until they return the day of trial to avoid any issues of mistrial or double jeopardy.

NOTE: Section 40.41, Florida Statute requires that jurors serve only for one day or one trial, unless the court orders otherwise. This statute allows multiple voir dire but also ensures that jurors will serve the minimum time necessary.

The multiple voir dire approach may not be beneficial when there is a very long jury selection scheduled. A capital case or civil jury trial with multiple parties, for example, should not be scheduled for multiple voir dire. The typical time needed to question prospective jurors in these cases will not leave enough time to allow other voir dire to occur. Therefore, a single empanelment may be best suited for complex cases.

Another challenge of multiple voir dire is that a certain number of cases will result in pleas or settlements before or on the day the jury is told to report for trial. Several courts have developed options for this obstacle which include having a telephone voice mail system to confirm whether jurors should report. Jurors can be instructed to call the system after normal working hours on the evening before trial to confirm their particular trial's status. If the case has been continued or the defendant has accepted a plea, the juror learns prior to reporting that they do not need to report.

Judges who use multiple voir dire see this approach as a matter of convenience for the courts in expediting trial schedules. Lawyers and jurors likewise find the system advantageous for their daily planning. The uncertainty of the court calendar is largely eliminated. As soon as jury selection is over, all interested parties know the specific day and time the trial will start. Lawyers can inform the witnesses and principals in the case and jurors are free until the trial date. Jurors can go back to work and notify their

employers that they need only miss a specific day later in the week.

4.15 Single-Day Empanelment

Single-day empanelment is a variation of multiple voir dire in which all judges use the same day of the week to select jurors for all jury trials scheduled by the court for that week. For example, all jury selections are scheduled for Monday, with some judges selecting jurors for two or more trials. These jurors would then return throughout the week on the day of their scheduled trial. The trial would then proceed as scheduled, but start with opening statements and presentation of the evidence the day of trial. These jurors are usually not sworn until they return the day of trial, to avoid any issues of mistrial or double jeopardy.

One of the most useful innovations that a jury manager can implement is to coordinate trial starts as much as possible.

The effectiveness of single-day empanelment depends on the number of trials and the number of judges conducting trials and the number of trials per judge. It works best if several judges are hearing more than one trial per week each. If too many judges are conducting single-day empanelment, too many jurors might be

required to appear at one time. This could possibly place an undue burden on available facilities, depending upon the jurisdiction.

One of the most useful innovations that a jury manager can implement is to coordinate trial starts as much as possible. This applies to circuit court as well as county court, to both criminal trials and civil trials. The more trials set to start on any given day, the greater the odds that a significant number of trials will proceed to jury selection. This allows greater utilization of available jurors and much less risk of a "zero day," or a day in which jurors report but no trials start.

Selecting juries on Monday for trials scheduled for Tuesday through Friday will intensify jury selection on that day and increase effective jury management. This saves the court money and the jurors time. Trials can start on any other day that week, as long as the jury was selected from the Monday jury pool.

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4.16 Standard Panel Sizes

Courts should adhere to the standard panel sizes as stated in the administrative order *In Re: Jury Management Program*, dated March 22, 1995. (See Section 8.1 on page 8-4.) These

standard panel sizes range from a low of 14 prospective jurors in county jury trials to a high of 50 prospective jurors in capital cases in which the death penalty is sought. The adoption rationale was that these standards would provide a sufficient number of prospective jurors in 95 percent of the cases.

The panel sent to voir dire must be large enough to provide the trial jury which is selected from it, to allow the parties to exercise peremptory challenges, and to supply a number of persons to cover possible allowed challenges for cause. If a panel sent to voir dire is too large, some jurors in the panel will not be questioned. This creates an artificial demand on the jury pool.

Many jury managers have solved this problem by keeping records of panel sizes and the number of challenges required in the past. (See Section 8.4 page 8-9.) This track record of actual performance data by type of case and judge can then be used to establish the validity of the standard panel sizes for a particular jurisdiction. Judges are more comfortable with the standard panel sizes which have been shown to be adequate in actual practice.

In several jurisdictions, the judges decide or the parties stipulate the size of panels at pretrial. This practice gives the jury clerk advance notice of the panel size and ensures that it has been set deliberately for each particular case rather than left to custom or chance. A difficulty with this method is that the judge may err on the side of extreme caution and call too many jurors. Generally, a uniform size for each type of case is best throughout the court.

4.17 Continuous Court Operations

Some courts could maintain a high usage of jurors throughout a week by starting a second jury trial almost as soon as the first trial is finished, especially involving misdemeanor or criminal traffic cases. This would only work on a weekly basis if the number of jury trial starts is about the same on each day of the week. The use of a jury pool is also assumed. Motion hearings, pretrial conferences, and other judicial activities are used to fill in down-time between the arrivals of new panels. This continuous court operation spreads out trial starts and automatically provides staggered starts.

Continuous operation is easier to maintain if a court employs a master calendar and has a single administrative judge in each division assigning cases for trial. This master calendar or administrative judge can then base decisions on evening out the workload. Continuous court operations and a positive impact on jury management can be achieved in courts where judges use individual calendars and where there is good communication between trial judges and the jury manager.

Where the number of jury trials each year is small, such as in rural circuits, some courts concentrate all of the jury trials in a separate trial term. These courts schedule jury trials only when jurors are planned to be available and do not call jurors between the separate trial terms. Many courts pick a consistent time to schedule these trials, such as the first full week of each month.

During this separate jury trial term, it is possible to achieve more continuous court operations and subsequently reduce the number of jurors needed.

Where the number of jury trials each year is small, such as in rural circuits, some courts concentrate all of the jury trials in a separate trial term.

4.18 Dismissing Jurors

Too often jurors are forced to wait throughout the afternoon in the jury pool even though their chance of being called for voir dire is slight. The greatest single juror utilization problem found in small courts is cancellation of a trial after the panel of jurors has been notified to appear.

Courts which approach jury management from the perspective of the juror have developed a flexible policy for excusing jurors as soon as it is apparent they will not be needed. This policy acknowledges that jurors' time is valuable and increases jurors' respect for the management of the court.

A general policy can be established to dismiss and excuse jurors early when the number summoned is found to be excessive or when the case is cancelled. An excellent strategy to optimize juror use is to employ a prior-day notification. When this strategy is used, jurors are notified (often in the jury summons) to call a given telephone number prior to reporting to ascertain whether they will be needed. By using this system, you can reduce the number of jurors who are required to report based on the latest number of scheduled cases expected to go to trial. The time that persons are called upon to devote to jury service should be the shortest period consistent with the needs of justice.

Section 40.41, Florida Statutes, limits service to one day for a petit juror unless the juror is assigned to or impaneled on a trial that is not completed in one day or unless the court orders otherwise. Presently, court statistics show that only about one percent of all trials last more than a week.

Courts which approach jury management from the perspective of the juror have developed a flexible policy for excusing jurors as soon as it is apparent they will not be needed.

4.19 General Cautions

Jury staff may wish to err on the side of caution, especially in the beginning of an improvement program. An effective strategy is to ensure a larger reserve of jurors than desired when improvements are first being made. Then actual performance can be determined, particularly on peak days. The number of excess jurors can also be readily identified in hindsight.

This approach provides powerful advantages. First, it allows the jury staff to determine the actual practice of the jury system before making incremental changes geared at fine tuning the court's performance. Second, it provides data that can be used to persuade trial judges of the efficacy of a reduced number of jurors.

Incremental change is also an important concept to utilize to the advantage of jury staff. There may be a certain reluctance on the part of the judiciary to change traditional practices. By slowly reducing the number of jurors over a certain amount of time, no ill effects are felt. It is important that a jury management program not suffer an early setback by having a significant shortage of jurors.

There are several steps that presiding judges and their jury management teams can take to minimize the number of prospective jurors needed for high profile cases without delaying voir dire. Of particular importance is the pre-screening of prospective jurors. Judicial leadership and control over all aspects of the trial especially the drafting of the pre-screening questionnaires, is critical. Judicial involvement in questionnaire design and relevance is vital for high profile cases. Proper planning and production of a needs assessment for high profile cases is recommended.

***High-profile cases
are the exception
for jury
management.***

The *Methodology Manual for Jury Systems* published by the Center for Jury Studies at the National Center for State Courts also recommends that courts make exceptions for highly publicized or multiple-defendant trials. Two approaches are typically employed. The court can either summon additional prospective jurors to the daily juror pool and then assign panels from this pool, or the court can conduct a separate venire on a non-peak day (i.e., Thursday or Friday). Either approach is acceptable. High-profile cases are the exception for jury management. Yet, they receive most of the publicity and require careful planning to ensure a smooth trial.

5.1 Policies and Procedures for Notorious or High Profile Cases

Nothing can substitute for an agreed-upon policy for the handling of high-profile cases. Coordination and communication among and between parties is important. Pre-trial planning conferences are recommended. Specific to the management of jurors would be issues such as the number of jurors needed for summoning, expected yields, excusal policy, pre-screening of questionnaires, parking, number of total challenges either for cause or peremptory, and the logistics of voir dire. Frequent judicial participation in the process is necessary for success.

Planning starts with a meeting between the presiding judge and the jury manager to discuss issues, pros and cons, and whether it is a judge's decision or whether attorneys should be included. Key issues to be considered are as follows:

- trial date certainty;
- whether individual voir dire is necessary;
- if pre-screening can be completed by jury personnel, either orally or in writing;
- pros and cons of written questionnaires;
- if a questionnaire will be used, who will administer and who will receive copies; and

- the minimum number of prospective jurors needed to be questioned each day.

A host of other variables like media relations, security, trial judge selection, and the reassignment of judicial calendars must all be considered. *A Manual for Managing Notorious Cases*, published by the National Center for State Courts, is recommended reading for jury managers or chief judges faced with the prospect of a major case in their circuit.

5.2 Pre-Screening Jurors with Questionnaires

Prospective jurors can be pre-screened either before the day of trial or when they report. The rationale is that in high-profile trials many of the jurors will be easily shown to have a connection to witnesses, have knowledge of the case, or have formed an opinion. Several items should be checked, such as statutory qualifications, case type, trial length, or case specific information. It is important to let counsel from each side have input into the voir dire questionnaire to avoid any possible error. The presiding judge should also ensure that pre-screening questionnaires are relevant and not burdensome to prospective jurors. There is a paucity of Florida case law on the use of questionnaires. Questionnaires submitted to prospective jurors should not go beyond questions that might properly be asked during voir dire, as decided in *State v. Thayer*, 528 So.2d 67 (Fla. 4th DCA 1988).

5.3 Exceptions to Panel Sizes

Under administrative order *In Re: Jury Management Program*, dated March 22, 1995, the chief judge of each judicial circuit is authorized to grant an exception in excess of the recommended panel sizes (from 14 to 50 prospective jurors depending upon the type of case). This language was identical to the original order issued October 8, 1990, and was included to allow trial courts flexibility in dealing with special circumstances. Specific language in the standard states that an exception may be granted in notorious/multi-defendant trials.

5.4 Staggered Reporting of Jurors

Jurors can be ordered to report on a staggered basis. True high profile cases will usually require lengthy and possibly individual voir dire. If all of the prospective jurors cannot be questioned each day, then only those the court anticipates questioning, plus a small reserve, should be ordered to report. This helps minimize stress on the jury manager's office, yet keeps a constant flow of prospective jurors to the courtroom. In some instances, counsel will argue that all prospective jurors be questioned as a unit so that they can hear the flow of questions asked by either side. This is not a management issue. Rather, it is an attempt to begin trying the case during voir dire and should not be

condoned unless it occurs within the standard panel size.

Since 1982, all Florida counties have been reporting data on petit juror use and management by submitting the Jury Management Report (JMR) ² (see page 6-7 for a sample of this report) to the Office of the State Courts Administrator (OSCA). The OSCA prepares bi-annual reports and comparisons based on the JMR data and distributes the reports to chief judges, trial court administrators, clerks of court, and interested persons. The OSCA also prepares detailed analyses for courts where efficient juror use has resulted in significant cost savings or to show opportunities that exist to improve juror use and management. In addition, JMR data is used to assess the impact of statutory and procedural changes. The primary purpose of the JMR, however, is to monitor the efficiency of the jury system.

The primary purpose of the JMR, is to monitor the efficiency of the jury system.

The jury manager will be required to complete this report keeping the following guidelines in mind:

- ◆ Complete all entries legibly. The figures should either be typed or produced in an automated format. The form should be neat and clear for data entry.
- ◆ Identify the circuit, county, month, and year on each report submitted.
- ◆ Each week within the reported month **should be dated** with Monday's date and recorded sequentially in the shaded boxes. Each week should be dated with Monday's date, even if no jury activity occurs or Monday is a holiday. Weeks should be reported in sequence even if no jury activity occurs in a particular week(s). **Weeks that are split between months should be reported in the month they begin, even if Monday is the last day of that month.**

NOTE: The OSCA computer program will only accept Monday dates. The first Monday and last Monday of each month should be recorded on the form.

- ◆ Record the total number of prospective jurors by category **each** week and for the month. If there are no entries for a particular category for a week, then record a zero ("0") in the total category for that week. If there are no entries for a category for the entire month, then record a zero ("0") in the Month Total column. The zero verifies that data is not missing or that a category has not been overlooked.

² Note: This report was formerly known as the Jury System Management Report.

- ◆ For the JMR, a trial begins with the **start of voir dire**. Therefore, a trial should be counted if voir dire begins even if the defendant pleads or the case is settled before the jury is sworn. This definition of trial is important for distinguishing between the **reporting daily and carry over** categories, as well as the accurate reporting of the actual number of trials occurring during the month.
- ◆ Jury activity which occurs on Saturday or Sunday must be reported in either the Friday or Monday cells.
- ◆ The original copy of the monthly JMR should be submitted at the close of each reporting period and no later than the 15th day of the next month to:

Jury Management Project
Office of the State Courts Administrator
Research, Planning and Court Services
Supreme Court Building
Tallahassee, Florida 32399-1900

- ◆ If it is necessary to revise a report which has already been submitted, submit a completed form with **AMENDED** printed or typed at the top. Note or highlight the entries which have been amended.

NOTE: Data on the summoning, selection, and payment of grand jurors should NOT be included unless it is impossible to isolate these figures due to the volume of cases in the court.

Unless unusual circumstances warrant and approval is obtained from OSCA, data for circuit and county courts and/or main and branch courthouses should be combined and submitted on **one** form.

6.1 Reporting Instructions

The following instructions will guide the jury manager in completing the JMR:

- ◆ **Summoned**
 - Report the total number of prospective jurors that were mailed summonses or were assigned to the term following an earlier postponement. Do **NOT** report jurors who were resummoned.

- Report the number summoned under the appropriate day of the week. If the prospective jurors are summoned for a week term of service, report the total number summoned under Monday.
- If all scheduled trials are canceled prior to jurors reporting and all summoned jurors are notified not to report by mail or phone before any or all excuses, exemptions, and postponements have been issued, do not report any summoning data for the term. In this case, **record a zero** ("0") for summoned.

◆ **Available to Serve**

- Report the total number of jurors available to the court for the term **after** all exemptions have been exercised, all excuses and postponements granted, all disqualifications and undeliverable summons noted, and all no-shows determined.
- Always record the number available to serve on the same day of the week as the number **summoned**.
- Include prospective jurors that are told not to report by a telephone call-in system on the first day of service. The number of jurors called-off that normally would have been expected to report should be **estimated** based upon the past statistical average of the number of jurors actually showing up for service.
- **Do not** include prospective jurors that report but are excused from serving on the first day of service.
- If all scheduled trials are canceled prior to jurors reporting and all summoned jurors are notified not to report by mail or phone before any or all excuses, exemptions, and postponements have been issued, **do not** count any jurors as available to serve for the term. In this case, record a zero for available to serve.

◆ **Called Off by Telephone System**

- Report the number of prospective jurors notified not to report for service by a message on a telephone call in system.
- **Do not** include prospective jurors who request to be excused by telephone or those who are told in person, by telephone call from the jury clerk, or by mail not to report. This category monitors **only** the use of the telephone call-in system to call off jurors that are not needed.
- If **prospective** jurors are called off by a telephone call-in system on the first day of service, report only the number of those actually expected to report and not the total number called off.

◆ **Reporting Daily**

- Report the total number of prospective jurors who report to the court for service but are not already involved in a voir dire or trial.
- **Do not** include prospective jurors who are excused from service after reporting.
- Those jurors who report to the court to continue or complete voir dire or trial are recorded as **carryovers** and are not included in reporting daily.

NOTE: With the One Day/One Trial system, there should not be jurors who report on Monday that have to come back on Tuesday for jury duty unless they were selected for a six or twelve person jury or they are involved in the continuation of a voir dire process for a case.

◆ **Carryovers**

- Report the number of jurors returning to the court to continue or complete voir dire or trial.
- **Do not** include prospective jurors that have reported on previous days but are not involved in a trial. Those jurors are recorded as **reporting daily** and not included in **carry-overs**.

◆ **Sent to Voir Dire**

The data reported in this category is different for courts that operate a juror pool and those that do not pool jurors. Juror pool courts share prospective jurors among several courts, usually by centrally assembling persons who are divided into panels for assignment to a specific courtroom. The essential factor is the sharing or reuse of jurors, not the existence of a pool or assembly room. Unless the number of voir dire starts conducted on a single day is adequate to permit sharing (two or more voir dire starts per day), a court cannot efficiently pool jurors. A nonpool court may reuse jurors if multiple voir dire is used. Multiple voir dire involves the selection of more than one jury from one panel of jurors on a given day.

◆ **Juror-Pool Courts**

- Report the number of prospective jurors sent to a courtroom and who experienced voir dire for the selection of a specific jury.
- The total number sent to voir dire should equal the sum of all panels (groups of prospective jurors) sent to a courtroom for jury selection.

- Since a prospective juror may be a member of more than one panel and sent to a courtroom more than once, the number **sent to voir dire** may exceed the number **reporting daily**. The goal is 100 percent or greater utilization.

TIP: Jury pool courts that are consistently below 100 percent should review the number of jurors summoned each week. Under 100 percent utilization indicates that too many jurors are being summoned given the actual number of voir dire starts.

◆ **Non-Juror Pool Courts**

- Report the number of prospective jurors who report to a courtroom to participate in the voir dire.

◆ **Six-Person Trials**

- Report the number of six-person jury trials which begin each day. Remember, for the JMR, trials begin with the start of voir dire. This means that when the first question is posed to the jurors by either the lawyers or the judge that a trial start should be recorded.
- Trials which cancel after voir dire begins **should still be reported** as trials even if the jury is not empaneled.
- A six-person trial with an alternate should be counted as a six-person trial.
- A trial should be reported **only** once, on the day it begins, not each day that it is in progress.
- In single-day empanelment/multiple voir dire courts, the trial should be recorded on the day the voir dire begins even though the presentation of evidence and testimony does not begin until a subsequent day.

◆ **Twelve-Person Trials**

- Report the number of twelve-person jury trials which begin each day. Remember, for the JMR, trials begin with the start of voir dire.
- Trials which cancel after voir dire begins should still be reported as trials even if the jury is not empaneled.
- A twelve-person trial with alternates should be included as a twelve-person trial.
- A trial should be reported only once, on the day it begins, not each day that it is in progress.

- In single-day empanelment/multiple voir dire courts, the trials should be recorded on the day the voir dire begins even though the presentation of evidence and testimony does not begin until a subsequent day.

◆ **Cost**

The juror compensation policy is defined and detailed in section 40.24, Florida Statutes. See Section 7.2 on page 7-3 of this manual for complete instructions concerning per diem payments to jurors.

- Total Per Diem For Month - \$15 per day and \$30 per day
 - ▶ Record the number of jurors not paid.
 - ▶ Record the total amount paid to jurors entitled to \$15 per day.
 - ▶ Record the total amount paid to jurors entitled to \$30 per day.
- Total Cost of Jury For Month
 - ▶ Add the total per diem cost for jurors paid \$15 and jurors paid at \$30 and then reflect the total cost for the month.

6.2 Examples of Monthly JMR

The following pages provide seven examples covering reporting instructions for completing the monthly JMR. These examples illustrate how to calculate the number of jurors summoned, available to serve, called off by phone, reporting daily, carryovers, sent to voir dire, and the number of six person and twelve person trials.

Summoned/Available to Serve/Reporting Daily Example

1. Two weeks prior to the first Monday in October, County A mailed 300 summons to registered voters in the county. In addition, 25 persons who were postponed from previous summoning dates were assigned to this term.

Twenty-five mailed summons were returned as undeliverable. By the Friday before the first Monday in October, 25 persons had been granted postponements, 10 were disqualified, 40 were excused, and 25 were exempted. On Monday morning, 15 persons did not respond to the summons. On the day of jury service, the judge postponed 10 prospective jurors and excused a further 10 prospective jurors. Thus, 165 prospective jurors were available to serve.

DAILY SUMMARY	Week of _____					
	M	T	W	TH	F	TOTAL
Summoned	325					325
Available to Serve	165					165
Called off by Telephone System						
Reporting Daily	165					165
Carryovers						
Sent to Voir Dire						
Six-Person Trials						
Twelve-Person Trials						

Called-Off Example

- Using the same summoning and yield information as in Example 1, add eight trials which were anticipated for Monday, but by Friday afternoon three of these cases were settled. As a result, 50 prospective jurors were called off by the telephone system for Monday. The jury manager estimated, based on the number of excuses already given, that only 30 of these would have actually reported on Monday.

DAILY SUMMARY	Week of _____					
	M	T	W	TH	F	TOTAL
Summoned	325					325
Available to Serve	195					195
Called off by Telephone System	30					30
Reporting Daily	165					165
Carryovers						
Sent to Voir Dire						
Six-Person Trials						
Twelve-Person Trials						

Sent to Voir Dire/Carryovers Example

3. Two hundred summons were mailed out for a Monday date. Four six-person trials are scheduled for this Monday. On Monday, 80 jurors report. Three panels of 20 jurors and one panel of 15 are sent from the pool to voir dire. One case settles during voir dire, but six-person juries are selected for the other three. Remember a trial starts at the beginning of voir dire.

One trial is completed on Monday. The other two are completed on Tuesday. One of these trials has an alternate, the other does not. Thus, 13 jurors are carried over until Tuesday.

DAILY SUMMARY	Week of _____					
	M	T	W	TH	F	TOTAL
Summoned	200					200
Available to Serve	80					80
Called off by Telephone System						0
Reporting Daily	80					80
Carryovers		13				13
Sent to Voir Dire	75					75
Six-Person Trials	4					4
Twelve-Person Trials	0					0

Called Off/Reporting Daily/Carryovers Example

4. Two hundred summons were mailed out for a Monday date. Fifty jurors report on this Monday, but two of the three scheduled six-person trials are canceled before voir dire begins. One six-person jury with one alternate is selected. Testimony in that trial begins on Tuesday and the trial concludes on Wednesday.

Two other trials are scheduled on Tuesday. The 40 called-off jurors report and two six-person juries are selected. One trial is completed on Tuesday and the other on Wednesday.

DAILY SUMMARY	Week of _____					
	M	T	W	TH	F	TOTAL
Summoned	200					200
Available to Serve	90					90
Called off by Telephone System	40					40
Reporting Daily	50	40				90
Carryovers		7	13			20
Sent to Voir Dire	50	40				90
Six-Person Trials	1	2				3
Twelve-Person Trials						0

Reporting Daily/Carryovers/Twelve Person Trial Example

5. Two hundred jurors are summoned for the first week in October; 100 are available to serve. Fifty of the prospective jurors are called off on Monday and told to report on Wednesday when a capital case is scheduled to begin. The remainder report on Monday for the selection of three six-person juries.

Two of the three scheduled trials on Monday are postponed just prior to voir dire. Thus, only one six-person jury is selected; that trial lasts through Wednesday.

A twelve-person jury, plus two alternates are selected on Wednesday. The trial lasts five days, concluding on the following Tuesday.

DAILY SUMMARY	Week of _____						Week of _____					
	M	T	W	TH	F	Total	M	T	W	TH	F	Total
Summoned	200					200						0
Available to Serve	100					100						0
Called off by Telephone System	50					50						0
Reporting Daily	50		50			100						0
Carryovers		6	6	14	14	40	14	14				28
Sent to Voir Dire	50		50			100						0
Six-Person Trials	1					1						0
Twelve-Person Trials			1			1						0

Carryovers/Six Person Trials/Twelve Person Trials Example

6. One hundred seventy-five jurors were summoned to report on the first Monday in November. From those summoned, 75 jurors reported to the jury pool. In addition, 18 jurors who are continuing trials from the previous Friday report to the court.

At 10 a.m., Judge A calls for a panel of 18 persons to select a six-person jury. At 10:30 a.m., Judge B calls for a panel of 20 for a six-person jury. At 11 a.m., Judge A excuses 10 prospective jurors from the panel and they return to the pool. At 1 p.m., Judge C requests a panel of 40 for a twelve-person jury. By 4 p.m. all juries have been selected and the remaining jurors excused.

DAILY SUMMARY	Week of <u>November 5</u>						Week of <u>November 12</u>					
	M	T	W	TH	F	Total	M	T	W	TH	F	Total
Summoned	175					175						
Available to Serve	75					75						
Called off by Telephone System						0						
Reporting Daily	75					75						
Carryovers	18					18						
Sent to Voir Dire	78					78						
Six-Person Trials	2					2						
Twelve-Person Trials	1					1						

Cost Example

7. At the end of a reporting month there were a total of 150 jurors recorded as reporting daily and 40 jurors recorded as carryovers. Of the 150 jurors reporting daily, 78 were entitled to be paid at \$15 for one day of service. Of the 40 jurors defined as carryovers, 14 were entitled to be paid at \$15 for their second day of service and 12 were entitled to be paid at \$15 for their third day of service. Seven carryover jurors were entitled to be paid at \$30 for their fourth day of service.

COST		
Jurors @ \$0.00 per day	79	\$0.00
Jurors @ \$15.00 per day	104	\$1,560.00
Jurors @ \$30.00 per day	7	\$210.00
Total Per Diem Costs for the Month		\$1,770.00

In this example, you add the total number of jurors (i.e., 50) to the number of carryovers (i.e., 40) for a total of 190 jurors. To determine the number of jurors paid \$0, subtract all jurors who were entitled to payment (i.e., $78 + 26 + 7 = 111$) from the total number of jurors ($190 - 111 = 79$). The jurors entitled \$15 per day includes the 78 reporting daily plus the 26 carryovers (i.e., $78 + 26 = 104$).

7.1 Exit Questionnaire

Judges, court administrators, jury clerks, and managers should constantly monitor their jury system and look for ways to improve the system. Exit questionnaires can be a method to identify positive suggestions which can help each circuit improve its system. Completed questionnaires should be distributed to the trial judges for their review prior to the release of jurors.

Exit questionnaires can be a method to identify positive suggestions which can help each circuit improve its system.

Your circuit can develop its own questionnaire or use the sample provided in this manual. Trial judges should also be given the opportunity to review the questionnaire prior to its use in their courtroom. Your chief judge may choose to distribute it to the public defender, state attorney, or local bar for comment or feedback prior to any use by jurors.

◆ **Compilation Strategies**

- Tabulate juror answers for all checked categories. Compute percentage responses in each category of the checked information.
- Identify and collect the more thoughtful or emphatic comments as short quotations.
- Summarize the results for each month in a one or two page memorandum. Compare the results with those for the last several jury months noting any changes or trends along with possible reasons. Then distribute a summary to all judges.
- Make an annual summary and compare it to previous years.
- If there are recurrent areas of dissatisfaction about which little can be done, have the judge conducting orientation discuss the matter candidly or mention it in the instruction sheet so new jurors will be prepared for the adverse situation.

Studies show jurors' attitudes are formed largely by the efficiency and orderliness with which their time has been used and their treatment by all officials with whom they come in contact. A judge's actions, especially in showing appreciation for jurors' time, can have a profound influence on

Studies show jurors' attitudes are formed largely by the efficiency and orderliness with which their time has been used and their treatment by all officials with whom they come in contact.

their view of the court. Therefore, it is important that judges be made aware of jurors' attitudes through the questionnaire summary.

Usually the questionnaires are well received by the jurors for they provide a means of communication to the court. Their comments are well worth reading and passing on to judges and court administrators. However, questions may show a consistent pattern in the responses after reviewing the first few hundred. Therefore, a random sample of questionnaires tabulated each month may provide an adequate measure of the jurors' response.

Exit questionnaires should be distributed to a random sample of exiting jurors at a convenient and appropriate time so that they may be easily completed prior to leaving court. The best way to collect them is to distribute the questionnaires and pencils to the jury pool prior to dismissal and place a box near the exit to the building. The length of time needed for sampling depends on the size of the court. A large jury pool may collect a statistically valid sample in a couple of weeks, while a smaller court may have to sample the exiting jurors over several months. The number of jurors to be sampled is not dependent upon the total number of jurors available to serve within a given year, as demonstrated in the following table:

Jurors Available to Serve per Year	Sample Size
600	306
700	330
800	351
900	369
1,000	385
2,000	476
3,000	517
4,000	541
5,000	556
10,000	588
20,000	606
30,000	612

7.2 Juror Compensation

Section 40.24, Florida Statutes, provides the compensation rules for jury service. The compensation policy, as interpreted by the OSCA, is that jurors are only paid for actual service, not for being on call or if they ask to be excused. This interpretation is derived from legislative intent as stated in section 40.24(1), Florida Statutes:

"The compensation policy of this chapter shall be to prevent financial hardship being imposed upon any juror because of performance of juror service."

Juror service for compensation purposes means being summoned and **reporting** for jury service. Juror service does not include days for which the juror was notified before reporting that his or her presence was not required. Regular employment includes full-time employment and part-time, temporary, and casual employment, as long as the employment hours of a juror can be reasonably determined by a schedule or by custom and practice established during the three-month period preceding the term of service as a juror.

Jurors who are regularly employed and who continue to receive regular wages while serving as a juror are not entitled to receive compensation from the state for the first three days of juror service. Jurors who are not regularly employed or who do not continue to receive regular wages while serving as a juror are entitled to receive \$15 per day for the first three days of juror service.

Each juror who serves more than three days is entitled to be paid by the state for the fourth day of service and each day thereafter at the rate of \$30 per day of service. Jurors are not entitled to additional reimbursement by the state for travel or other out-of-pocket expenses.

Jurors who receive unemployment benefits do not lose such benefits because they receive compensation for juror service. Jurors who report for jury service, but go before a judge or otherwise request to be excused during initial orientation, should not be paid for reporting under section 40.24(7), Florida Statutes:

"Any juror who is excused from jury service at his own request is not entitled to receive any compensation under subsection (3)."

7.3 Financial Controls

The OSCA is responsible for all the juror payrolls and the requisitioning of quarterly funds. This section of the jury manual provides the general instructions and forms pertaining to the payment of jurors and the requisitioning of quarterly funds. It **does not** cover the witness instructions and funding requirements.

TIP: For more detailed instructions, please contact Finance and Accounting at (904) 488-3743 or (904) 488-3715.

◆ Requisitioning Funds

- The Clerk must submit separate requisitions for each court in those counties where separate accounting records for circuit and county courts exist.
- Requisitions must be received by the OSCA no later than the 10th of the month immediately preceding the calendar quarter for which the funds are requested. The following chart indicates the calendar quarters and due dates.

Due Dates for Requisitions and Payrolls

Quarterly Period	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Dates	July 1-Sept 30	Oct 1-Dec 31	Jan 1-March 31	April 1-Sept 30
Date Requisition for Quarterly Advances Due to OSCA	June 10	Sept 10	Dec 10	March 10
Date Payroll Statements and Refund Checks (for unused funds) Due to OSCA	Oct 14	Jan 14	April 14	July 14

NOTE: If the 10th of the month falls on a Saturday, Sunday or a holiday recognized by the State of Florida, then the quarterly requisition becomes due the next working day.

- Requisitions must be submitted on Form SC 869-02 and the form must be properly completed in clear and legible type or print. The form must be signed by the Clerk or his/her deputy. (See sample Form SC 869-02 on page 7-8.)
- The quarterly requisition represents an advance from state funds appropriated by the Legislature pursuant to section 40.29, Florida Statutes. **The amount advanced will be based on a percentage of the average of the previous three quarters.** Requisitions which are in excess of this amount will be considered only if accompanied by an explanation and justification.
- The Clerk may requisition additional funds pursuant to section 40.33, Florida Statutes, if it is determined that a shortage will occur before the end

of the quarter.

- ▶ Requisitions for additional funds for a current calendar quarter must be submitted in the same manner as initial requisitions except that the word "**Additional**" must be clearly legible on the face of Form SC 869-02.
- ▶ Additional requisitions for a current or subsequent quarter may not be honored if the Clerk has failed to account for funds requisitioned in a previous quarter. The OSCA will consider the circumstances in each case before withholding requisitioned funds.

◆ **Juror Compensation**

Section 40.24, Florida Statutes defines who is entitled to be paid a per diem for jury service. The substance of this statute is discussed in Section 7.2 on page 7-3 of this manual.

The following points provide direction concerning additional compensation issues.

- Jurors who attend on any of the days when the presiding judge is absent, or, being present, does not hold the session of the court, shall be entitled to receive the same compensation as if the court were in session if they meet the entitlement requirements stated on page 7-3.
- A juror on call by the court in a jury pool, as provided in section 40.231, Florida Statutes, is entitled to compensation for only those days the juror actually attended court and not for the days on call.
- Any juror who is excused from jury service at his or her own request is not entitled to receive any compensation.
- In circumstances requiring extended attendance by a jury in court, such as a major felony case, the court may order meals and lodging for jurors be provided by the Sheriff pursuant to section 40.26, Florida Statutes. These expenses are **not** chargeable to juror and witness payroll funds held by the Clerk, but are reimbursable from state funds appropriated to the OSCA. A Sheriff incurring meals and lodging costs for jurors must forward copies of court orders and invoices directly to the OSCA at the following address:

Office of the State Courts Administrator
Attn: Finance and Accounting
500 South Duval Street
Tallahassee, Florida 32399-1900

◆ **Quarterly Payrolls**

- Separate payrolls must be prepared and submitted to the OSCA for each court in counties where separate accounting records for circuit and county courts exist.

- Payrolls with separate forms for jurors and witnesses must be prepared. **Grand and petit jurors must be totaled separately.** Please submit **an original and one copy** to the OSCA for audit at the following address:

Office of the State Courts Administrator
Attn: Finance and Accounting
500 South Duval Street
Tallahassee, Florida 32399-1900

Form SC 869-04 (see page 7-9) is used for reporting payments to jurors.

- The use of locally prepared forms or computer generated forms are allowed with the prior approval of the OSCA. Each form will be reviewed as to format and content. Substitutes shall be acceptable if they provide the minimum requirements as follows:
 - ▶ Name of Juror;
 - ▶ Number of Days Paid;
 - ▶ Per Diem Paid;
 - ▶ Total Amount Due;
 - ▶ Date of Payment;
 - ▶ Date of Service;
 - ▶ Warrant Number;
 - ▶ Sub-totals on each page;
 - ▶ Grand Totals at end of payroll;
 - ▶ Payroll pages numbered; and
 - ▶ Certification by the Clerk and/or State Attorney.
- Requirements for payrolls submitted to the OSCA for audit include the following:
 - ▶ Payrolls must be legible. Copies are acceptable.
 - ▶ Payroll pages must be numbered.
 - ▶ Payrolls must be supported by column totals on each page as well as summary totals.
 - ▶ Court orders are required and must be attached to the payroll.
 - ▶ Pursuant to section 40.34(3), Florida Statutes, payrolls must be signed by the Clerk or his/her deputy.
 - ▶ Section 40.35(1), Florida Statutes, prescribes that payrolls shall be submitted to the OSCA no later than 14 days following the last day of the calendar quarter. If the 14th day following the last day of the quarter is a

Saturday, Sunday, or a holiday recognized by the State of Florida, then the payrolls are due the next working day after the 14th. (See a sample of Form 869-02, Jurors and Witnesses Quarterly Requisitions, on page 7-8.)

- ▶ The Juror and Witness Quarterly Payroll Statement Form SC 869-01, (see page 7-10) shall be used to summarize all transactions for the quarter and submitted to the Office of the State Courts Administrator for reconciling purposes. The quarterly statement must be signed and certified by the Clerk or his/her deputy and be attached to the payroll.
- Any balance of funds advanced which are not expended must be refunded to the OSCA by check drawn on the account of the Clerk, and payable to The State of Florida. The Clerk should indicate that it is a refund of unused juror and witness funds for a stated calendar quarter.
- In order to avoid audit delays, it is essential that payrolls be submitted in their entirety and on a timely basis. Payrolls are not considered complete without the Juror and Witness Quarterly Payroll Statement. If any funds are unused, a check must be attached refunding the balance. When a Clerk is unable to meet the statutory two-week deadline, the OSCA should be notified immediately and the circumstances explained. The Clerk should also give the approximate date the OSCA may expect to receive the payrolls and the estimated amount of refund, if any.
- Failure of a Clerk to promptly account for payroll activity for a quarterly period may result in the withholding of subsequent requisitions received by the OSCA. In extreme cases where negligence and unsatisfactory performance of duty is determined to be the cause, the OSCA will report the circumstances to the Governor in accordance with section 40.35(2), Florida Statutes.

**Jurors and Witnesses
Quarterly Requisition**

Office of the Clerk of Courts

_____ County, Florida

TO: Office of the State Courts Administrator
Finance and Accounting
500 S. Duval Street
Tallahassee, Florida 32399-1900

In accordance with the provisions of Section 40.29, Florida Statutes, I estimate the amount necessary for the payment of Jurors and Witnesses before the Grand Jury, Witnesses before the State Attorney, and Jurors for the quarterly period ending _____ 19 ____ to be _____ dollars and, hereby, **make requisition upon you for that purpose and in that amount.**

I understand that the money received upon this requisition shall be used only for the purpose indicated above, and that the surplus funds, if any, and the payrolls will be forwarded to the Office of the State Courts Administrator within **2 weeks** after the last day of the quarterly period.

Signature _____ 19 _____

Clerk of Courts _____ County, Florida

.....
Please honor the within requisition under authority of Section 40.30, Florida Statutes.

State Courts Administrator

Governor

Form 869-02

Payroll for Jurors

County of _____ Quarter Ending _____
 Report of Jurors Attending and serving in the _____ Court at said Quarter, convening on the ___ day of _____, 19 ___ and adjourning on the ___ day of _____, 19 ___ and entitled to payment from the State of Florida.

Name of Juror	# of Days at \$.00	# of Days at \$15	# of Days at \$30	Amount Due	Date of Payment	I hereby acknowledge by my sign-nature receipt in cash of the amount set opposite my name. If paid by warrant, give the warrant number.	Witness to signature for cash payments
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
Total							

I CERTIFY that the foregoing is a correct list of Jurors serving at said quarter and that the amounts stated are legally due to said Jurors, and that no one of the persons named has any claim against the State of Florida for attendance in any other capacity during the same period, and that I paid each juror named there in the amount set opposite his name.

WITNESSED this _____ day of _____ 19 _____

Jury Management

7.0 Monitoring and Control

Form SC 869-04

Clerk _____ Court.

Juror and Witness Quarterly Payroll Statement

For Quarter Ending _____

Prepared by: _____ Telephone Number: () _____

Jurors:

Petit Juror Payrolls:		
_____	days at \$00.00 per day	\$ 00.00
_____	days at \$15.00 per day	\$ _____
_____	days at \$30.00 per day	\$ _____

Grand Juror Payrolls:		
_____	days at \$00.00 per day	\$ 00.00
_____	days at \$15.00 per day	\$ _____
_____	days at \$30.00 per day	\$ _____

Witnesses:

Ordinary Witnesses:		
_____	days at \$5.00 per day	\$ _____
_____	miles at \$.06 per mile	\$ _____
_____	miles at \$.29 per mile	\$ _____

Expert Witnesses:	Attach court order	\$ _____
Official Witnesses:	Attach court order	\$ _____
Out-of-County Witnesses:	Attach court order	\$ _____
Out-of-State Witnesses:	Attach court order	\$ _____

Other:

_____	\$ _____
_____	\$ _____
_____	\$ _____

Payroll Total \$ _____

Less Advance from the State \$ _____

Reimbursement/Refund Due \$ _____

Witness my hand and seal this _____ day of _____ 1995

_____ (signature)

Clerk _____ Court

Return to:

**Office of the State Courts Administrator
Finance and Accounting
500 S. Duval Street
Tallahassee, Florida 32399-1900**

Form SC 869-01

7.4 Technical Assistance

The JMR is designed to monitor jury system operations. Consistently poor performance on one or more of the standard indices may indicate the need to review and conceivably change procedures. Often, however, the JMR data is not sufficient to isolate the specific problem or suggest alternatives or modifications that will improve performance.

[A] detailed jury system analysis is often necessary for courts that are experiencing problems or that simply desire to review their system in-depth.

For this reason, a detailed jury system analysis is often necessary for courts that are experiencing problems or that simply desire to review their system in-depth. The analysis is based on data from the JMR; however, it examines jury activity by day of the week rather than by monthly averages. The analysis reviews a three-month or six-month period and examines the voir dire pattern, people brought in (PBI), overcall of jurors, and the number of jurors called-off by day of the week. PBI is calculated by adding the total number of jurors reporting daily and dividing by the total number of trials (six-person and twelve-person).

Analysis of the jury system by day of the week can reveal patterns of activity and juror usage that are obscured by summary data. For instance, voir dire starts may show a distinct pattern of decline through the week while the number of jurors reporting daily remains constant, indicating a failure to adequately adjust the call to daily demand levels. Likewise, the voir dire pattern by day may indicate if and when the operation of a jury pool is efficient for a specific court, or reveal the accuracy of trial prediction. Even the number of jurors called off, when examined by day of the week, may show that use of a call-off system can become misused if all jurors are kept on call for the entire term of service despite a marked decrease in scheduled trial starts at the end of the term.

There are situations, however, where data in addition to that available from the JMR is required to diagnose specific problems. For instance, when jury trials are held in one or more branch courthouses as well as the main courthouse, variations in efficiency among these courts may be masked in the consolidated JMR data. Similarly, there may be marked differences in the operation of the jury system for circuit versus county court, or criminal versus civil matters. If such variation is suspected, jury management data for each court or division should be reported and analyzed separately for a period of time. This may necessitate the submission of separate JMR forms or the collection of more detailed data. In either case, this method allows comparison of the courts or divisions and isolation of the exact location of the problems.

Analysis of data which is more detailed than that available in JMR's may also be necessary in order to formulate recommendations specific to a particular court and its deficiencies. A recommendation to reduce call-in or reduce panel sizes is more practical and effective if accompanied by a reliable estimate of the actual amount of that

reduction. Similarly, a deficiency in the summoning yield can only be corrected if the relative and separate impact of no-shows, postponements, excuses, and disqualifications, on the overall yield is known.

More intensive data collection and analysis may be conducted during any of the three different phases of jury system operation. The first phase, pre-service, involves the selection process, including the qualifying and summoning of prospective jurors. Service, the second phase of jury system operation, involves the actual use of jurors for trial activity. The final phase, post-service consists of the jurors' attitudes and evaluations of their involvement in the judicial process.

TIP: Section 8.4 contains sample forms used to collect detailed data. Any court interested in conducting a comprehensive study of any aspect of its jury system may contact the OSCA for assistance with data collection and analysis.

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8.1 Administrative Orders

8.2 Available References

- ◆ American Bar Association, *Standards Relating To Juror Use and Management*, Jury Standards Task Force, Williamsburg, Virginia, 1983.
- ◆ Munsterman, G. Thomas, *Methodology Manual for Jury Systems*, 2d ed., National Center for State Courts, Williamsburg, Virginia, 1981.
- ◆ Munsterman, G. Thomas, *A Supplement to the Methodology Manual for Jury Systems*, Center for Jury Studies, National Center for State Courts, Williamsburg, Virginia, 1987.
- ◆ Murphy, Timothy R., *A Manual For Managing Notorious Cases*, National Center for State Courts, Williamsburg, Virginia, 1992.

8.3 Local Rules

- ◆ Local Rules on Alternative Methods of Jury Selection
 - A. Requirements, Organization and Format

Florida Statutes, Section 40.225, requires that courts planning to change from a manual system of venire selection to a computerized or other electronic alternative method submit a local rule to the Supreme Court for approval. In the rule, the chief judge of the circuit in which the court is located must certify that the majority of the judges authorized to conduct trials in the county consent to the alternative method. In addition, the rule should contain "a description of the equipment, methods and mode of operation" to be used in the alternative method (F.S. 40.225(2)).

The Supreme Court reviews the local rules for their constitutionality, practicality and assurance of randomness of selection. With the approval of the Court, the alternative method of jury venire selection may be implemented in the county.

The majority of the counties in Florida have submitted local rules and currently have computerized selection of venires. For those counties anticipating the implementation of an alternative method, example of local rules are included on page 8-7. These may serve as guides or models for the construction of a local rule which is sufficiently detailed and substantively complete to meet the criteria for Supreme Court approval. In addition, the following are offered as guidelines for the completion and submission of local rules on alternative methods of jury selection:

1. The implementation of an alternative method requires a local rule and not an administrative order. Therefore, the document submitted to the court should be styled and numbered as a local rule.
2. It is necessary that a complete description of the actual program be provided as Attachment A to the local rule and there must be an explicit assurance in

the rule that the selection method is indeed random.

3. The rule should be clear on the point that the Clerk of Circuit Court is responsible for the security of the juror selection lists and will protect them from further writing, etc., as provided in F.S. 40.02(2). In addition, the rule should make clear that the chief judge shall supervise the use of the alternative method as provided in F.S. 40.225(4).
4. Local Rules should be submitted to the Court with sufficient time allowed prior to the expected implementation date for review and possible revision.

B. Example

LOCAL RULE #

WHEREAS, the present method of selecting jurors can be expedited without additional expense or less of the sanctity of random selection by the use of the electronic computer now available for use by _____ County, and

WHEREAS, the source of such selection is from the voter registration list which is in computer compatible form and under the custody and control of the Clerk of the Circuit Court of _____ County, it is therefore,

RESOLVED that the Rules of the _____ Judicial Circuit for procedure in all courts of _____ County in which jury trials are held shall be amended to include this additional Rule adopting the following alternative plan for the selection of persons for grand jury or petit jury service:

1. EQUIPMENT:
 - (a) The equipment used in jury selection is a model # computer located in the secured computer room of the Clerk of Circuit Court of _____ County.
2. ALTERNATIVE METHOD OF SELECTING VENIRE:
 - (a) The source from which names shall be taken is the voter registration list of all precincts in _____ County, provided and certified by the Supervisor of Elections in _____ County. In every year hereafter by the first week of January or as soon thereafter as practicable, the Supervisor of Elections will deliver and certify to the Clerk of Circuit Court a listing of the current voter registration list of all registered voters in _____ County along with the data processing magnetic tapes containing only voter registration number, name, address, age and voting precinct from which said listings were prepared. The Clerk of Circuit Court will protect the listing and tapes from further writing and keep it securely stored.
 - (b) The Clerk of Circuit Court of _____ County is designated the official custodian of the computer files to be used in jury selection and

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are not accessible to anyone other than those directly involved in selection of
venires

as herein provided. Functions of the Clerk of Circuit Court may be performed by his or her deputies.

- (c) The Chief Judge or his or her designated representative, with the aid and assistance of the Clerk of the Circuit Court, shall select prospective jurors by lot and at random by use of the computerized voter registration list.
- (d) The Chief Judge or his or her designated representative shall determine the number of prospective jurors necessary to be certified and programmed into the computer in _____ County.
- (e) The Clerk of Circuit Court shall cause jury venires to be selected from the final certified jury list programmed into the _____ County computer in accordance with directions received from the Chief Judge or his or her designated representative.
- (f) The Clerk of Circuit Court of _____ County shall be responsible for security of the list as stated in paragraph 40.02(2) of the Florida Statutes.

C. How to Amend

If an existing Local Rule for Jury Selection is to be changed in order to define a different method of random selection, then the respective court making the changes shall submit an Amended Local Rule to the Supreme Court. The same procedures and requirements stated earlier for the initial local rule are also required for the amended local rule. Striking can be used to amend the language within the original local rule.

8.4 Selected Examples of Jury Management Products in Use in the Trial Courts

◆ **Summoning Yield Computation Worksheet**

An analysis of the overall summoning yield is a valuable management tool. This information will indicate the efficiency of the source lists, the willingness of the community to serve on jury duty, and the effect of the established excuse and postponement policies of the court. It is vital that courts be cognizant of those factors which may diminish the overall summoning yield, including the non-responses, undeliverables, disqualifications, class exemptions, excuses and postponements.

A summoning yield of 40% is recommended. A yield which falls below 30% should be carefully examined. Excusal policies should also be reviewed.

Analysis of the yield requires collection of data on the Summoning Yield Computation Worksheets shown on page 8-10. It is necessary to collect data for several months to identify seasonal fluctuations and other sources of random variability. Once the yield has been calculated, the court may determine whether some action is necessary for its improvement.

The Office of the State Courts Administrator can provide historical summoning yield data by month. This data may be helpful when analyzing seasonal trends in summoning yield.

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County: _____

Month: _____

SUMMONING YIELD COMPUTATION WORKSHEET

Summoning	Week 1		Week 2		Week 3		Week 4		Week 5		Total for Month	
	No.	%	No.	%								
A Total number of summons sent												
B Total number postponed to this period*												
C Total number told not to report via telephone**												
D Total number available to report (A + B) - C = D		100%		100%		100%		100%		100%		100%
E No response (No Show)												
F Undeliverable												
G Disqualified												
H Exempt												
I Excused												
J Postponed to another time												
K Total number not available to serve E+F+G+H+I+J = K												
L Total number serving D - K = L												

* If not sent an additional summons

** Prior to the first day of service

Qualification Process Yield _____% X Summoning Process Yield _____% = Overall Yield _____%

• **Instructions for completing the summoning yield computation worksheet**

1. Fill in the county and the months.
2. On line A, record total number of summonses sent.
3. Record total number postponed to this period if not sent an additional summons on line B.
4. Record total number told not to report via telephone on line C.
5. Add line A and B, then subtract C from this total to arrive at the total number available to report. Record this number on line D.
6. Mark number of those who do not show up in response to summons on line E.
7. Record number of summonses that are returned to court as undeliverable on line F.
8. Mark number of those who responded but are disqualified on line G.
9. Fill in number of those who responded but are exempt on line H.
10. Record number of those who responded but are excused on line I.
11. Mark number of those who responded but were postponed to another time on line J.
12. Total lines E through J and record the total number not available to serve on line K.
13. Subtract line K from line D to arrive at the total number serving. Record this number on line L.
14. To compute percentages, divide all numbers E through L by the total number available to report located on line D.
15. Repeat the above steps for each summoning period during the month.
16. At the end of the month, total the number in the Number column on all lines and record in the Total for Month column. **Do not** sum percentages.
17. To compute monthly percentages, divide the monthly totals for lines E through L by the monthly total for the number available to report on line D.
18. The monthly summoning yield will be the percentage located in the box in the bottom right hand corner of the worksheet.
19. For courts who do not qualify prior to summoning, the summoning yield is the overall yield for the month.
20. For courts that do qualify prior to summoning, to compute the overall yield, multiply the summoning process yield percentage times the qualifying process

yield percentage.

◆ **Jury Panel Usage Record and Daily Panel Summary Sheet**

The Jury Panel Usage Record shown on page 8-14 allows both pool and non-pool courts to examine the utilization of prospective jurors within panels. The Daily Panel Summary Sheet, illustrated on page 8-16, summarizes the information obtained from each panel. A separate summary sheet may be used for each category of trial, i.e., one for each size of jury and type of trial. The average panel size and the average number needed may then be determined for each category. The state recommended panel sizes are defined in the administrative order issued by Chief Justice Grimes in March, 1995. (See section 8.1 on page 8-3)

- Instructions for completing the Jury Panel Usage Record
 1. Fill in the name of the presiding judge and your county.
 2. Number form and record on line A PANEL NUMBER. This may be your own recording system as long as each number for that day is unique. For example: the first panel on Monday may be designated M-1, the second panel M-2, etc.
 3. Designate whether case is civil or criminal.
 4. Fill in voir dire starting date and time.
 5. Mark date and time voir dire ended.
 6. Note date and time trial began.
 7. Note date and time trial ended.
 8. Fill in the Total Size of the Panel Furnished to the courtroom in Box B.
 9. Fill in Box C, Amended Size of Panel Furnished, if necessary. This box will be completed if the number of prospective jurors from which the jury is about to be selected differs from the original panel size sent to the courtroom. For example, during multiple voir dire, the panel size will decrease as juries are selected. The original panel size may also increase if additional prospective jurors are sent from another courtroom.
 10. Fill in the size of the jury and alternates in Box D.
 11. Record the number of challenges for cause and the peremptory challenges exercised in boxes E and F respectively.
 12. Record the number of jurors not sworn or challenged in Box G. Note that the sum of boxes D, E, F and G should equal Box B unless the original panel size was amended, in which case the sum of D, E, F and G should equal Box C.
 13. Note disposition of case.
 14. Person preparing should sign and forward to central record-keeping location.

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- Instructions for completing the Daily Panel Summary Sheet
 1. Fill in the county and date.
 2. Record the Panel Number from the Jury Panel Usage Record.
 3. Copy the Panel Use information from the Jury Panel Usage Record into the appropriate columns.
 4. Note any remarks; for example, a multiple voir dire, the sharing of jurors between courtrooms, etc.
 5. Total columns B, D, E and F after all Jury Panel Usage Record Sheets have been recorded for the day.

◆ **Daily Jury Pool Status and Transactions and Jury Pool Status and Transaction Summary Sheet**

In courts which operate a jury pool and conduct several voir dres or trials each day, the Daily Jury Pool Status and Transactions form, shown on page 8-22, provides a convenient way of tracking the jurors throughout the day. The status at morning start-up shows the total number of jurors in service. The time and type of each major transaction throughout the day is recorded.

The daily summary at the bottom of the form indicates the peak usage during the day, the utilization of jurors in voir dire and the number of actual versus predicted trial starts. The information from the daily summary can be transferred directly to the Jury Pool Status and Transaction Summary Sheet shown on page 8-25.

Once data is gathered for a period of approximately three months, measures of juror utilization may be calculated and compared with established standards of performance. These include voir dire attendance; percent of sworn jurors; overcall to the pool; panel calls per day; number of zero days; juror days per trial; and people brought in per trial.

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County: _____

Month: _____

**JUROR UTILIZATION SUMMARY SHEET
(for courts without pools)**

Day							Number of Trials		Remarks
							6	12	
	A	B	C	D	E	F	G	H	
M									
T									
W									
T									
F									
Total									
M									
T									
W									
T									
F									
Total									
M									
T									
W									
T									
F									
Total									
M									
T									
W									
T									
F									
Total									
M									
T									
W									
T									
F									
Total									
M									
T									
W									
T									
F									

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Total									
Monthly Total									

- A = Date
- B = Total size of all panels furnished per day
- C = Carryovers*
- D = Size of jury and alternates.
- E = Challenges for cause allowed.
- F = Peremptory challenges exercised.

* Jurors returning for continuing trials.

CALCULATIONS

Percent Used in Voir Dire = $\frac{\text{Total Number of Prospective Jurors Reached}}{\text{Total Size of all Panels Furnished}}$

= $\frac{D + E + F}{B}$

=

Percent Used as Jurors = $\frac{\text{Size of Jury and Alternates}}{\text{Total Size of All Panels Furnished}}$

= $\frac{D}{B}$

=

Juror Days Per Trial = $\frac{\text{Total in Service}}{\text{Number of Trials}}$

= $\frac{B + C}{G + H}$

=

People Brought In = $\frac{\text{Total Size of All Panels Furnished}}{\text{Number of Trials}}$

= $\frac{B}{G + H}$

=

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- Instructions for Completing the Juror Utilization Summary Sheet (for courts without pools)
 1. Fill in the county and month.
 2. Record the date in column A.
 3. Add the Total Size of Panels Furnished for that day found on the Daily Panel Summary Sheet. Record this total in Column B. This total will not include the Amended Size of Panels Furnished.
 4. Record the number of jurors returning on this date for continuing trials in column C. Note this number will include juries returning for a prescheduled trial since voir dire has already occurred and by definition the trial is considered to be continuing.
 5. Total columns D, E and F on the Daily Panel Summary Sheet. Record this information in the appropriate columns on the Juror Utilization Summary Sheet.
 6. Fill in the number of 6 and 12 person trials occurring on that day in columns G and H respectively. A trial is defined to have taken place if voir dire was started.
 7. Record any exceptional circumstances for that day in the Remark column.
 8. Repeat steps 2 through 7 for every day of the week.
 9. Total columns B through H for the week and record in the appropriate column.
 10. At the end of the month, sum all weekly totals for each column into one monthly total for each column. Record this information on the last line of the form.
 11. On the reverse side of the form, substitute the monthly totals for each column, designated by a letter B through H, in the appropriate place and perform the designated computations.

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- Instructions for completing the Daily Jury Pool Status and Transactions

Note: The Panels Anticipated box in the Daily Summary should be completed the day before the venire is to report.

1. Fill in the county and date.
2. Record the morning start up time. Fill in the number of jurors in the pool and the number of jurors involved in continuing voir dire or trials. Add the above two numbers to arrive at the total number of jurors in service. Record this information again in the appropriate boxes in the Daily Summary at the bottom of the sheet.
3. For each transaction, record the following information: time, panel number (if applicable), name of judge (if applicable), description of transaction (e.g., panel sent), and number of jurors in transaction. If a panel is sent and returned unused (i.e., voir dire did not begin), please note this fact in the transaction column.
4. Subtract or add the number of jurors in transaction from the number of jurors in the pool depending upon whether jurors are leaving or returning to the pool. This becomes the Number in Pool.
5. Simultaneously, increase or decrease the Number in Voir Dire and Trial depending upon the transaction and record the current number in voir dire and trial. For example, if the transaction is a panel sent to a courtroom, then the Number in Pool will decrease by the number in transaction and the Number in Voir Dire and Trial will increase by this same number. The reverse occurs if the transaction involves jurors returning to the pool.
6. After all transactions for the day have been completed, finish computing the Daily Summary at the bottom of the sheet.
7. Total Number of Panels Used - count all panels sent and used for both six-person and twelve-person juries. This information can be found in the Transaction column.
8. Total Jurors Sent to Voir Dire - add the number of jurors on each panel sent to voir dire. This information can be found in the Transaction and in the Number in Transaction columns.
9. Peak - locate the largest number in the column titled, Number in Voir Dire and Trial. This is the maximum number of persons needed in court that day to satisfy all voir dire.

◆ **Juror Utilization Summary Sheet**

In courts which do not operate a jury pool and do not maintain an intensive level of jury trial activity each day, the Juror Utilization Summary Sheet, shown on page 8-26, may be used to summarize the panel usage data so that standard indicators of jury system operation can be calculated. These include percent used in voir dire; percent used as jurors; juror days per trial; and people brought in per trial.

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County: _____

Month: _____

JURY POOL STATUS AND TRANSACTION SUMMARY SHEET

Day	Date	Total In Service at AM start-up	Pool at AM Start-up	No. in Voir Dire & Trial at AM start-up	Total No. of Panels Used		Total Jurors Sent to Voir Dire	Peak	Number of Panels Anticipated	
					6	12			6	12
		A	B	C	D	E	F	G	H	I
M										
T										
W										
T										
F										
Total										
M										
T										
W										
T										
F										
Total										
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F										
Total										
M										
T										
W										
T										
F										
Total										

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Total										
Monthly Total										

CALCULATIONS

a) Percent Sent to Voir Dire:

$$\frac{\text{Total Number of Jurors Sent to Voir Dire}}{\text{Total Number Reporting to Pool at AM Startup}} = \frac{F}{B}$$

_____ =

b) Percent Used as Jurors:

$$\frac{\text{Total Number of Jurors Serving on Trials}}{\text{Total Number Reporting to Pool at AM Startup}} = \frac{D \times 6 + E \times 12}{B}$$

_____ =

c) Overall:

$$\frac{\text{Total in Service - Peak}}{\text{Total in Service}} = \frac{A - G}{A} = \text{_____} =$$

d) Average Number of Trials Per Day:

$$\frac{\text{Total Number of Panels Used}}{\text{Total Number Days Prospective Jurors Brought In}} = \frac{D + E}{\text{Total Days}} =$$

e) Average Number of Zero Days:

$$\frac{\text{Total Number of Days When No Panels Were Sent}}{\text{Total Number Days Prospective Jurors Brought In}} = \text{_____} =$$

f) Juror Days Per Trial:

$$\frac{\text{Total in Service}}{\text{Total Number of Panels Used}} = \frac{A}{D + E} = \text{_____}$$

g) People Brought In:

$$\frac{\text{Total Number Reporting to Pool at AM Startup}}{\text{Total Number of Panels Used}} = \frac{B}{D + E} = \text{_____}$$

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- Instructions for completing the Jury Pool Status and Transaction Summary Sheet
 1. Fill in the county and month.
 2. Record the date in the appropriate column.
 3. Record the information about the Daily Summary on the Daily Jury Pool Status and Transaction Sheet in the appropriate columns.
 4. Repeat steps 2 and 3 for the entire week.
 5. Total columns A through I for the week and record in the appropriate columns.
 6. Repeat steps 2 through 5 for the entire month.
 7. At the end of the month, sum all weekly totals for each column into one monthly total for each column. Record this information on the last line of the form.
 8. On the reverse side of the form, substitute the monthly totals for each column, designated by a letter A through I, in the appropriate place and perform the desired computations.

◆ **Jury Service Exit Questionnaire**

Not only is it necessary to collect information prior to and during service, but feedback regarding the juror's attitude about his or her service should also be monitored. Juror's responses upon completing jury service can provide some extremely useful qualitative as well as quantitative information. Feedback about the amount of time spent waiting and the number of times selected for voir dire or trial can be used to estimate juror usage patterns in a court. Juror ratings of facilities and treatment by court personnel can provide important qualitative information. The overall impression of jury service by the departing jurors will probably be expressed to his or her peers and may ultimately affect the non-response rate of jurors receiving future qualification questionnaires and summonses.

The Jury Service Exit Questionnaire, shown on page 8-29, should be distributed to a random sample of exiting jurors at a convenient and appropriate time so that they may be easily completed prior to leaving the court. The length of time needed for sampling depends on the size of the court. A pool court may easily collect a representative sample in a week, where a smaller court may want to sample the exiting jurors over several months.

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STATISTICAL INFORMATION:

The following information is necessary to insure that juries accurately reflect a true cross-section of your community. All information is confidential and anonymous. PLEASE DO NOT SIGN YOUR NAME.

AGE _____ SEX: Female Male

EDUCATIONAL LEVEL: (Circle the last year of school completed.)

1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9
College/
Vocational
Training Graduate

OCCUPATION: _____ Self-Employed? Yes No

What is your total personal (not family) income? (Check one.)

Less than \$5,000	\$20,000 - \$24,999	\$40,000 - \$49,999
\$5,000 - \$9,999	\$25,000 - \$29,999	\$50,000 - \$74,999
\$10,000 - \$14,999	\$30,000 - \$34,999	\$75,000 - \$100,000
\$15,000 - \$19,999	\$35,000 - \$39,999	Over \$100,000

ETHNIC BACKGROUND: Asian
Black
Caucasian
Hispanic
Native American
Other (Please specify.) _____

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ACTUAL TERM OF SERVICE The length of time that an individual has actually served on jury duty, i.e., from reporting to the courthouse to discharge.

AVAILABLE TO SERVE The statutorily defined length of time citizens are required either to report to the courthouse, remain on stand-by status, or merely be ready to report to the courthouse as needed.

CALENDAR SYSTEM The system used by court officials for assigning and scheduling court appearances, trial starts, hearings and other court business.

CHALLENGE FOR CAUSE Challenge to a prospective juror when it appears that the person is unwilling or incapable to perform his or her role as an impartial weigher of evidence. This includes the appearance of an actual or implied racial, economic, social or political bias.

DEFERRAL / POSTPONEMENT The legally permissible means by which citizens can temporarily delay their term of service. A new date for reporting for jury service is usually decided upon at the time of deferral.

DELIBERATION The act or process by which a jury weighs evidence and testimony to reach a verdict.

DISQUALIFICATION Elimination of individuals from eligibility for jury service because they do not meet the statutory criteria of eligibility. These criteria relate to certain elected positions, residence, citizenship and literacy.

ELIGIBILITY FOR JURY SERVICE Statutory criteria that determine whether an individual is qualified to serve as a juror.

EMPANELMENT The process and all steps involved in ascertaining which prospective jurors are selected for voir dire.

EXCUSAL The granting of a temporary or permanent deferral from jury service by a court official because of genuine hardship.

EXEMPTION A statutorily granted excuse from jury duty for certain classes of persons (e.g., law enforcement). Persons who belong to these classes or groups can choose whether to report for jury service. Exemptions are most often based on concerns for public necessity or hardship situations.

EXIT QUESTIONNAIRE A form given to citizens on which they evaluate their experience after they have completed their term of jury service. Categories on the questionnaire may include the amount of time spent waiting, an evaluation of parking facilities, and a measure for indicating general impressions of jury service.

JUROR An individual who has been selected and sworn to sit on a jury.

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JUROR, ALTERNATE Additional jurors selected and empaneled to hear a trial and participate in the deliberation process when sickness or unforeseen disability absents a juror from serving for the entire trial.

JUROR ASSEMBLY ROOM The space to which citizens first report for jury service and receive initial instruction and orientation. This space may also be the juror lounge where prospective jurors await assignment to a panel.

JUROR COMPENSATION Any monetary payment made to citizens for jury service, including juror fees, mileage reimbursements, meal allowances, or "expense money." Juror compensation in Florida is \$15 per day for the first three days of service if a juror is not paid by their employer or they do not receive regular wages. If a juror is paid by their employer while on jury duty then that juror does not receive compensation for the first three days of service. Each juror who serves more than three days is entitled to be paid by the state for the fourth day of jury service and each day thereafter at the rate of \$30 per day of service. Jurors in Florida are not entitled to additional reimbursement for travel or other out-of-pocket expenses.

JUROR PER DIEM The amount of monetary compensation paid to a juror for a day of jury service. The actual dollar amount paid is usually set by statute. In Florida the set amounts are \$15 and \$30.

JUROR, PROSPECTIVE An individual who has been qualified and summoned for jury duty but has not yet been sworn as a juror for a trial. The term can also be used to designate an individual who has not yet reported to the courthouse for duty.

JUROR HANDBOOK A pamphlet that outlines juror's responsibilities, court procedure, and trial-related matters for prospective jurors. It is most often given to the prospective jurors upon reporting to the courthouse.

JURY A body of persons selected from the eligible citizens of a jurisdiction that are sworn to hear a civil or criminal trial, and through deliberation reach a verdict. In this manual, jury refers only to petit juries convened at the state court levels.

JURY JUDGE A judge assigned to oversee and monitor the daily jury management operations within a jurisdiction. A jury judge can serve in the same capacity as an administrative judge does over a particular court division.

JURY MANAGER A member of the court administrative staff or clerk of court staff responsible for supervising all aspects of juror selection and empanelment, maintaining and evaluating information relative to juror use and need, notification and compensation of jurors, instruction and training of court personnel involved with jurors, and monitoring and control of the jury system.

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LOCAL RULES ON ALTERNATIVE METHODS OF JURY SELECTION A local rule submitted by a court to the Florida Supreme Court which describes the electronic alternative method to be used to randomly select a jury venire in that court jurisdiction. The rule contains a description of the equipment, methods, and mode of operation to be used. Note: A local rule must be submitted to the Florida Supreme Court for each county that uses an electronic means to select and summons prospective jurors.

MASTER JURY LIST A set or subset of names selected (randomly) from the source list usually used by the court as the list from which names are selected for qualification and summoning for each term of the court. In Florida this is typically the master list of registered voters or a subset of the master list.

MONITORING AND CONTROL Collection and analyses of data regarding the various aspects of jury system operations, such as qualification and summoning procedures, number of requests for excusal from service, total number of prospective jurors seated as trial jurors, etc. The data are analyzed to help courts monitor and improve the efficiency and cost-effectiveness of the jury system.

MULTIPLE VOIR DIRE Sequential voir dire conducted by one judge during which two or more juries are selected for trials to be held on future days.

NO RESPONSE A qualification questionnaire or summons that is neither returned to the courthouse as undeliverable nor responded to by the individual.

NOT REACHED Those prospective jurors who are assigned to a panel and are neither challenged nor selected for a jury during the voir dire process. In pooling courts, these individuals usually return to the jury pool to be reassigned to another panel.

ONE-DAY / ONE-TRIAL A shortened term of service in which individuals are required to serve either one day or until the completion of one trial.

ORIENTATION A method used to introduce citizens to their responsibilities as prospective jurors. Orientation is usually conducted on the first day of jury service. In addition to juror handbooks a variety of methods such as films, videotapes, and speeches have been developed for providing information to prospective jurors. Jury staff typically conduct the initial juror orientation.

PANEL The group of prospective jurors selected from the pool and sent to a courtroom for voir dire. In a one-judge court, a pool and a panel are the same.

PANEL LIST A list of the individuals assigned to a panel and sent to a courtroom for voir dire.

PANEL SIZE The total number of prospective jurors selected from the pool and sent to voir dire for the empanelment of one jury. In Florida, there are standard panel sizes for all trials. These standard panel sizes are set by administrative order of the Chief

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PEOPLE BROUGHT IN PER TRIAL (PBI) The average number of prospective jurors needed to start a trial. PBI is calculated by dividing the total number of jurors reporting daily by the total number of jury trials (six-person + twelve person). The national standard for the People Brought In index (PBI) is 18 for a "typical" six-person trial.

PERCENT TO VOIR DIRE A comparison of the number of persons sent to voir dire to the number of persons reporting for voir dire. Percent to Voir Dire is calculated by dividing the total number of jurors sent to voir dire by the total number of jurors reporting daily. The national standard for the Percent to Voir Dire index is 100 percent or more. This means that each person who reports to the courthouse for jury duty should attend at least one voir dire.

PEREMPTORY CHALLENGE A decision made by counsel to exclude a juror suspected of being bias, but for whom they lack sufficient proof of bias necessary to sustain a challenge for cause. Most courts specify the number of peremptory challenges each party can exercise by statute or a rule of court.

POOLING The sharing of prospective jurors among several judges or courts.

POOL The group of prospective jurors reporting for jury duty in a given term and awaiting assignment to a panel for voir dire and selection to sit on a jury.

POSTPONEMENT See DEFERRAL

PRELIMINARY INSTRUCTIONS Directions and orientation information presented to a jury after the jury is seated, but before opening statements of counsel. Instructions should include information about the trial process, basic legal principles, explanation of the particular charge and trial procedures, jury responsibilities and functions, and admonishments on the confidentiality aspects of jury service. Preliminary instructions should be presented by the judge in an easily understood format.

QUALIFICATION (a) Statutory eligibility requirements for jury duty. These usually concern age, elected official status, residence, literacy, or citizenship. (b) The process used by courts to determine whether citizens meet the statutory eligibility requirements for jury duty.

QUALIFICATION QUESTIONNAIRE A form mailed or delivered to citizens to ascertain whether they are eligible for jury duty.

QUALIFIED LIST A list of individuals who are qualified and eligible for jury duty. This term is applicable in courts that use a two-step, or separate process of qualification and summoning. The list contains all the names of those who have returned the qualification questionnaire and meet the statutory requirements for jury service. Note: Most Florida courts now use a single step summoning/qualification process.

REMOVAL FOR CAUSE Exclusion of a prospective juror when there is a narrowly

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specified, provable and legally cognizable reason to suspect the juror of partiality or bias. Removals for cause include exclusions of jurors with substantial personal hardships that limit their ability to concentrate fully on the trial.

SEQUESTRATION The isolation of a jury during a high media profile or controversial trial where widespread media coverage could influence a juror's decision or where known threats and attempts to influence the deliberation and verdict are identified.

SINGLE-DAY EMPANELMENT This method of empanelment is similar to multiple voir dire except that all the judges in the court use the same day of the week to select jurors for all the jury trials scheduled to begin during the week or the term.

SOURCE LIST The original or primary list of names that the jurisdiction uses for jury selection. It is most often a broad-based list, such as the voter registration or driver license lists. Courts in Florida are currently using voter registration lists. The source list in Florida will change in January 1998 to the driver license list.

STAND-BY-JURORS A citizen who has been summoned and qualified for jury duty but reports to the courthouse only when needed. Notification of when to report for service is generally through the use of a telephone call-in system.

STAGGERED TRIAL STARTS A method of scheduling voir dire that is used to avoid depletion of the jury pool. The voir dire are scheduled for different times throughout the day or term. Consequently, judges do not ask simultaneously for jury panels. This allows for maximum juror use because prospective jurors can attend more than one voir dire in a day.

STRIKES After completion of voir dire examination, the process of exercising peremptory challenges by "removal" (striking) of juror's names from a list passed back and forth between counsel.

SUMMONING The process by which citizens are notified that they are required to report to the courthouse for jury duty. This is typically done via first class mail. Notification usually occurs three weeks prior to the required reporting date.

SUMMONING YIELD A comparison of the number of jurors who are available to serve on the first day of the term of service to the number of prospective jurors summoned for the term. The Summoning Yield percentage is calculated by dividing the total number of prospective jurors available to serve by the total number of jurors summoned. The national standard for the Summoning Yield index is forty percent (40%).

SUMMONS A legal notice delivered to citizens stating that they are required to report to the courthouse for jury duty.

TERM OF SERVICE This phrase is used to indicate the statutorily designated length of time citizens are required to serve on jury duty or the length of time citizens actually serve on jury duty. The statutory length of the term of service in Florida for a petit juror

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shall not exceed one day unless the juror is assigned to or empaneled on a trial that is not completed in one day or unless the court orders otherwise.

UNDELIVERABLE A court notice, such as a summons, that is returned by the post office because the addressee has moved, is deceased, or is otherwise unable to locate.

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VENIRE A group of persons selected for jury duty and from which jurors are to be chosen.

VOIR DIRE Examination of the panel to select a jury through questioning by counsel and the use of peremptory challenges and challenges for cause.

ZERO DAY A day on which prospective jurors report for jury service but no voir dire actually begin.

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