

Attachment C

Frequently Asked Questions Automated Jury Pool Selection Plans

Submission Process

1. Who should submit the juror pool selection plan?
 - A. The Clerk of Court.
2. To whom should the plan be sent?
 - A. Court Services, Office of the State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399. The OSCA encourages you to contact Court Services prior to submitting the Juror Pool Selection Plan. Court Services' staff will be happy to informally discuss your process and plan to ensure it is complete and satisfies all requirements.
3. Does the chief judge need to review the proposed juror pool selection plan prior to submission?
 - A. Yes. There should be a signed statement by the chief judge of the requesting circuit that he or she has reviewed the plan. The chief judge should also certify that a majority of the trial judges in his jurisdiction concur as per section 40.225(2) F. S.
4. What type of paperwork needs to be submitted?
 - A. A cover letter submitting the jury pool selection plan, a letter from the chief judge indicating approval and a complete description of the selection process including name sources, equipment used and selection algorithms employed. The Office of the State Courts Administrator (OSCA) has developed a checklist (see Attachment A) to help ensure that all of the necessary information is provided.
5. Do a majority of judges within the circuit need to authorize the proposed jury pool selection plan prior to submission?
 - A. Statutorily, yes (see section 40.225(2) F. S.). The chief judge in their letter to the Supreme Court may indicate that a majority of circuit and county judges have approved of the plan.

Templates

6. Is there a particular template that is recommended for submission?

A. No. However, it is recommended that the county review the checklist provided in Attachment B for a representative description of the information required for process evaluation.

Communication with OSCA

7. Will the OSCA review a draft of my plan prior to submitting for formal review?

A. Yes. You may submit a draft of the proposed plan to PJ Stockdale, Court Services Division, Office of the State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399.

8. Is it permissible for my vendor to contact Mr. Stockdale to receive feedback about the review process?

A. Yes. Mr. Stockdale may be reached at 850.410.1523 or via email at stockdap@flcourts.org.

Use Prior to Approval

9. May the county begin using my proposed jury selection software/hardware prior to Supreme Court approval?

A. No. The county is not permitted to use the jury selection software/hardware prior to Supreme Court approval.

Timeframe

10. How long does the review process take?

A. Depending on process complexity and the amount of researching and testing required, an informal review can take six to eight weeks. The OSCA's experience is that each jury pool selection plan typically requires between two and three submission/review cycles to complete.

11. Why does it take so long? I'm just picking names from a list. How hard can it be?

A. Conceptually, juror selection plans are straight-forward. You get a list of names, toss out those not eligible to serve and randomly pick a set of names as jurors. The

tricky part is to do this randomly. The use of computer programs to do the actual work of selections complicates this matter a lot. By definition, computer programs are deterministic in nature. Each step follows directly and in a well defined manner from the step before it. This is the antithesis of randomness which requires that each step has no connection with what has gone before. It is possible to make a computer program *appear* random within certain limits. However, this is actually difficult to do correctly. For every valid algorithm there are ten more algorithms that look good on the surface but don't actually do the job. The evaluation of these algorithms to ensure that they work as advertised can require some significant, detailed work and thus, can take some time.

Type of Review

12. What type of review is conducted by Court Services?

A. A statutory, statistical and mathematical review which encompasses the entire selection process from the identification of the names from which jurors are drawn to the hardware and software by which those names are drawn to the preparation of the final list of juror candidates. A significant portion of the name selection process by computer involves the use pseudo-random number generators. The review process will necessarily involve a detailed analysis of the algorithm employed and the method for initializing, or seeding, the generator.

13. What do you mean pseudo-random number generator (RNG)?

A. Pseudo-random number generators, called RNGs, lie at the heart of virtually every computerized juror selection plan. Essentially, a RNG will produce a sequence of numbers that appear random which basically means that each number does not appear to depend on any of the numbers that have come before. This sequence of numbers is then used to select names from the juror candidate list. Of course, since these numbers are produced by a computer program, each number does depend on the numbers before it. They just *appear* to be unrelated. That is why these generators are called *pseudo*-random number generators.

14. How do I know that my RNG is good enough?

A. Whether a RNG is good enough typically depends on the application. In the case of juror selection, the two most important criteria are quality and coverage. Quality is measured by how related the numbers produced by a RNG appear. Quality is usually measured by empirical testing. The second criterion is coverage which determines if the RNG can produce enough sets of numbers to ensure that juror selection is "by lot and at random." This characteristic is largely determined by the initialization or seeding process. Some other important criteria are a bit more theoretical such as period length, repeatability and homogeneity.

15. What are seeds?

A. Seed is a generic term applied to the number used to initialize a pseudo-random number generator. Since an RNG is a computer algorithm, it must be set to a particular starting point before it can be run. This process is known as *seeding* the generator. For our purposes, the seed values are one of the most important components in a valid juror selection process. Seed values must be uniformly and randomly distributed which basically means that each possible value must have the same chance of being selected. For example, if the county's RNG takes one seed value between 1 and 12, then, when you select that seed, the number you choose can be any of the numbers 1 through 12 and you must select that number with probability 1/12. So, for example, using the time of day to select the seed number is not valid because once a time has passed, the chance of you selecting that time is zero and not 1/12.

Hardware and Software Changes

16. I am changing either my software or hardware, do I need to submit a proposed plan which reflects the change?

A. In general, yes. In your cover letter be specific about what piece (e.g., hardware, software, or both) of the plan is changing. In recent years, several hardware independent applications have become available which may not require a plan re-submittal when changing computer components. It is, however, difficult to know whether a particular plan is hardware independent without actually reviewing the plan. The clerk is encouraged to contact the OSCA early concerning such matters.

Previously Approved Software Systems

17. I am proposing to use a software system previously approved by the Supreme Court in another county. Will this expedite the approval of my proposed local rule?

A. To some extent, yes. Please keep in mind that every software system has to be integrated into the specific systems already in use in a particular county. It is difficult to predict in advance how this integration may impact the validity of the juror selection process. Small changes such as the method of initialization can have a significant impact on the validity of the overall process. The analyst will consider the results of other evaluations but each plan must succeed on its own merit.

Random Number Generator Programs

18. Does the OSCA have a list of previously approved random number generator programs?
- A. Yes. Currently, the Supreme Court has adopted one generator, the Universal Random Number Generator by G. Marsaglia and A. Zaman. This generator serves as a minimum standard for the evaluation of random number generating algorithms. The field of pseudo-random number generation has advanced significantly in the past ten years. The OSCA is continually evaluating state-of-the-art algorithms for suitability to juror pool selection plans. There are many freely available, high quality generators to choose from in addition to the Supreme Court approved Universal Random Number Generator Program. Court Services can help you find a generator suitable to your needs.