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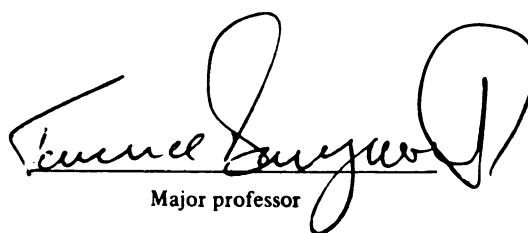


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AN EVALUATION OF THE ONE DAY/ONE TRIAL
JURY MANAGEMENT SYSTEM IN
EAST LANSING, MICHIGAN
presented by

Ruth Fallon Suter

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AN EVALUATION OF THE ONE DAY/ONE TRIAL
JURY MANAGEMENT SYSTEM IN
EAST LANSING, MICHIGAN

By

Ruth Fallon Suter

A THESIS

Submitted to
Michigan State University
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ABSTRACT

AN EVALUATION OF THE ONE DAY/ONE TRIAL
JURY MANAGEMENT SYSTEM IN
EAST LANSING, MICHIGAN

By

Ruth Fallon Suter

The general focus of the study of the East Lansing District Court was upon the manner in which the court utilized its jurors and upon the attitudes of the citizens summoned to the court. To determine if the court achieved its goals of increased efficiency and improved jurors' attitudes, juror usage was monitored during the month of October 1977 and records from 1975-76 and 1976-77 were examined. The Juror Usage Index was used to measure juror utilization; a low index indicates efficient use of jurors. Data on jurors' attitudes was collected by questionnaires administered to prospective jurors before and after their service.

An analysis of the data showed that juror utilization in the East Lansing District Court was lower for October 1977 and for the 1976-77 term. A by-product of this increased efficiency was a savings in the budget. Several factors were found to be related to the attitudes of the jurors: age, sex, occupation, education, previous jury service and initial reaction to the summons.

FOR MY PARENTS

ACKNOWLEDGMENTS

I would like to express my gratitude to Judge Daniel Tschirhart of the East Lansing District Court for permitting me to undertake this study. I am greatly indebted to Bridget McCarthy, the jury clerk, who provided me with much useful information regarding the operation of the jury system in the District Court.

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INTRODUCTION

The concept of trial by jury, transported across the Atlantic by the colonists and incorporated into the Bill of Rights, is fundamental to the American judicial system. The jury system, having changed very little during the past two hundred years, is presently undergoing modifications aimed at alleviating problems such as high cost and waste of resources. A relatively new and innovative approach to jury management, pioneered in the Harris County, Texas court system and modified by the Wayne County Courts, has been adopted by the East Lansing (Michigan) District Court. The broad goal of this system, labeled One Day/One Trial, is to increase the efficiency of the court's operations. Studies of the One Day/One Trial Jury System have been conducted but further evaluation is needed to determine if this method of managing juries is adaptable to other courts.

This study was undertaken to observe the operation of the One Day/One Trial Jury System in a small, one-judge court. The general focus of the study was upon the manner in which the court utilized its jurors and upon the attitudes of the citizens summoned to the court. Observation of the jury system during October 1977 provided much of the data concerning juror utilization; additional data were gathered from court records. Attitudinal data were obtained from pre-service and post-service questionnaires administered to persons summoned during October 1977. An analysis of the data corroborated some earlier findings and uncovered some additional relationships.

The balance of Chapter I will focus on the various problems which result from inefficient management of the jury operation. Various methods which can be applied to jury systems to alleviate the problems will be discussed. Finally, the background and nature of the One Day/One Trial Jury System in the Harris County Courts, the Wayne County Courts and the East Lansing District Court will be described. A summary of pertinent research in jury systems is presented in Chapter II. The third chapter contains the hypotheses, the sampling procedures and the data collection methods utilized in this study. Chapter IV presents an analysis of the data while the final chapter discusses the results and conclusions.

CHAPTER I

THE PROBLEM

Jury Management

Jury Selection

The process by which trial jurors are selected varies somewhat according to jurisdiction, and involves several stages. The initial step is the determination of the number of jurors needed during the upcoming term. This figure is usually an estimate based upon past usage of jurors and the number of trials scheduled. The selection of jurors is frequently conducted in three distinct phases, beginning with the random selection of names from the voter registration lists. Once the names and addresses of the prospective jurors are recorded, the second phase of sending Personal History Questionnaires begins. As the questionnaires are returned, they are screened by jury commissioners to ascertain the qualifications of each person. Those persons accepted for jury duty form the "qualified wheel" or master list from which the citizens are chosen. The third phase of the selection process is the summoning of a group of citizens, called the venire, for a specific term of service. Upon reporting for duty, the prospective jurors receive an orientation describing the trial process and the duties of jurors. They are then directed to the jury lounge to await the call to service. When a trial is ready, a jury panel--varying in size according to the type of trial, the number of defendants and the notoriety of the case-- is sent to the courtroom where the

voir dire begins. The voir dire, the final stage of the jury selection process, involves the examination of the prospective jurors to determine their ability to judge the specific case before them in an impartial manner. In most courts, those citizens successfully challenged during voir dire are returned to the jury pool to wait for another trial.

Overcall of Jurors

There are several problems inherent in the operation of a jury system, many of which can only be reduced rather than totally eliminated. These problems ensue from the nature of the jury operation and elements of uncertainty which plague that operation. The major problem associated with jury selection and related facets of the jury system is the uncertainty of need.¹ The many variables affecting the use of the venire make it very difficult for the jury clerk to accurately estimate the needed number of jurors. Whether or not a scheduled trial will proceed as planned is rarely known by the court staff until the very last minute. Frequently, cases are settled out of court, charges are dropped, or pleas are changed immediately prior to the trial starting time. When this occurs, a superfluity of prospective jurors is the result.

Jury clerks are reluctant to take these considerations into account when determining the number of jurors necessary. A "play-safe" attitude, generally adhered to by court personnel, results in calling the maximum number of jurors needed rather than the number probably required. The maximum number is determined by using the assumption that all challenges will be exercised, and all trials will be held as scheduled. Judges also contribute to the overcall of jurors by manipulating the jury supply to

avoid trial delays caused by a lack of jurors.

The Burdens of Jury Duty

Jurors have long been considered an expendable resource by the courts. Court personnel have recognized the hardships suffered by citizens who serve as jurors but have done very little to improve the situation. The criticisms voiced in the past by jurors had been ignored until recently. The advent of court administration and court management techniques has illuminated the burdens placed upon jurors.

The economic hardships suffered by the jurors and his or her employer are not offset by the jury fee paid to the jurors. The average jury fee is ten dollars a day with some courts paying as little as three dollars while others pay up to twenty-five dollars. This fee, though a drain on a court's budget, very often does not adequately compensate the juror; the responsibility of remunerating those who serve as jurors is borne largely by the jurors' employers who, in turn, include this in their overhead costs. The cost to society for maintaining the jury system, taking into consideration the loss of production, is about six hundred million dollars per year.²

There are hardships other than monetary ones which also must be endured by jurors. Jury service affects the personal lives of the jurors by interfering with planned activities, vacation, employment opportunities, etc. The burden of jury duty is increased by the amount of time spent waiting in the jury lounge for a trial to begin. Length of time wasted in the court is one of the major factors affecting jurors' attitudes toward the system.³ In addition to the time spent waiting in the lounge, there are some jurors who do not get a chance to actually serve on a jury. This is also an important factor

affecting the opinions of citizens. "Those who do not serve tend to think of the whole process as a waste of time." ⁴ The waiting time and non-use of some jurors is the result of inefficient court practices which can be improved through the implementation of more efficient management techniques.

Recommendations for Improved Jury Management

Better Estimation of Courts' Needs

The economic and personal hardships encountered by jurors are the direct result of inefficient management practices in the courts. The jurors are not the only ones to experience the effects of inefficient procedures; the courts themselves are penalized since such practices result in higher juror payments and the cost of additional personnel. Efforts to increase the efficiency of the jury system were initiated by those involved in the judicial system but the remedies were adopted from business management.

Summoning jurors. The factor which is in large part responsible for the waste of jurors and accompanying costs is the incessant overcall of jurors. As previously mentioned, the overcall of jurors is the result of the uncertainty of the jury process. The uncertainty can be minimized, however, through proper planning and monitoring of the courts' activities and schedules. Though it is not possible to pinpoint the exact number of jurors needed everyday, it is feasible to produce a more accurate estimate than is currently used by many courts. Such an approximation can only be attained through close communication between the jury clerk, the court administrator, and the calendar clerk. The jury clerk must be aware of upcoming trials and any changes in the schedule if jurors are to be utilized properly. Another important

aspect involved in the determination of an approximate number of jurors needed is the maintenance of accurate records of jurors used, the number of jurors excused from service, etc. If the records are maintained for an adequate length of time, future needs can be gauged upon past usage. A close examination of the number of jurors needed will aid in the alleviation of personal burdens placed upon the jurors such as the waiting and the uncertainty of serving.

Another means of decreasing the number of jurors to be summoned is the pooling of jurors. This concept, used primarily in large, multi-judge courts, involves the sharing of common jurors among the judges. This contrasts with the standard method which is to assign jurors to each judge, thereby producing a large venire. The pooling of jurors permits the jurors assigned to one panel who are challenged to be used again for another panel. Thus, fewer citizens need be called and the chance of a citizen serving on a jury is greater.

The jury pool does not, however, always work. In many courts, it is a common practice to schedule trials for the same time of day which produces a sharp demand upon the jury pool during the peak hours while, during other parts of the day, there is little demand. The advantage of the jury pool is undermined by the large numbers of jurors still needed. Careful planning and monitoring of the trial calendar, however, can eliminate this drain upon the jury pool. Scheduling trials for various times of the day and on different days of the week can prevent the need for unusually large jury pools. One court, starting six trials simultaneously, needed one hundred and thirty-five jurors one morning while the demand for jurors in the afternoon was slight.⁵ The rescheduling of two trials for the afternoon would necessitate only one hundred jurors in the morning and ninety in the afternoon. Thus, if the court

had actually scheduled the trials in this manner, the venire would have contained one hundred prospective jurors rather than one hundred and thirty-five, a savings of twenty-six percent. ⁶

Panel size. The size of the panel of jurors is another factor which contributes to the inefficient use of jurors. It is necessary that the panel be large enough to permit three or four peremptory challenges and challenges for cause and still provide a jury. If the panel is too large, however, many jurors are wasted. What the courts must do once again is maintain records of panel sizes and the number of challenges exercised by attorneys in order to determine the optimum size of the panel. The optimum panel size is dependent on the size of the court and its caseload. A small court holding one trial a day and having no jury pool waiting in the lounge should summon enough citizens to cover all challenges. Otherwise some trials will have to be continued until enough jurors are found. Larger courts which maintain a jury pool can manage efficiently by calling in less than the maximum number since citizens can be shared among the judges. There are, of course, certain trials in which all challenges will be used thus making it necessary to call a large panel. Such cases can be identified and handled accordingly by the jury clerk if there is cooperation and communication among the court staff.

An idea adopted by several court systems is a phone-in system in which jurors are directed to call the court to ascertain whether or not they are needed that day. This is a very popular practice resulting from the fact that many times the court does not know until the last minute if a case will actually go to trial. Having the jurors call-in either the evening before or the morning of the trial greatly reduces

the uncertainty involved. In addition to lessening the personal inconvenience to the juror, the court is able to reduce its juror payments since persons are not paid unless they report in person to the court.

The One Day/One Trial Jury Management System

Harris County (Houston) Texas

The most divergent and innovative modification to the jury system has been the reduction in the length of the jury term in several jurisdictions. The court system which has pioneered the most drastic reduction in the length of the jury term is in Harris County, Texas. The unprecedented system developed by the Harris County Courts was the result of a law passed in 1971 to provide the courts with "fresh jury panels with no 'rejects.'" ⁷ This statute stipulated that a juror on a panel, if challenged by an attorney, must be immediately dismissed from jury duty. To adhere to the new law concerning jurors, the court system in Harris County reduced the jury term of service to one day in most cases. Even though not designed to improve the efficiency of the court, studies of the new system have found it to attain that result. ⁸

The system in the Harris County Courts has four unique features, some of which have been adopted by other courts, such as a one day term of service, no recycling of jurors, few exemptions and no prior qualification process. The one-panel limit placed upon the courts by the legislature has had the effect of setting the term of service for one day or one trial, thus the designation "One Day/One Trial." In Harris County, the juror is simultaneously mailed a summons and a questionnaire. In other court systems a questionnaire is sent to jurors, returned to the court, and then screened prior to sending the summons. Another facet of the One Day/One Trial Jury System which varies from the practices in

other jurisdictions is the liberal postponement policy adhered to by the court and the strict rule against granting exemptions except where allowed by law. Few citizens are excused from jury duty since the one day term of service poses little burden, financial or personal, on the citizens. In the case of conflicts, the court does grant postponements of up to six months. An evaluation of the Harris County jury system indicates that citizen participation and court efficiency have been increased since implementation. 9

Wayne County (Detroit) Michigan

The One Day/One Trial Jury System was adopted by the courts of Wayne County, Michigan in 1976. The concepts of the Harris County jury system were implemented with certain changes made to conform to the Michigan laws. For instance, the process of qualifying jurors is different. As previously mentioned, the Harris County Courts combine the qualifying questionnaire and the summons, but Wayne County cannot do this since Michigan statutes stipulate a separate mailing. Therefore, prospective jurors are sent Personal History Questionnaires to be completed within a certain time frame and returned to the court. The questionnaires are then screened by the Jury Commission to ascertain which citizens are qualified. Summonses are mailed to the accepted persons approximately two weeks prior to their service.

The major difference between the Harris County and the Wayne County systems lies in the operation of the jury pool. To comply with Texas law, Harris County dismisses jurors after they are challenged rather than returning them to the jury pool. The Wayne County Courts, on the other hand, return those persons to the pool to await another panel.

East Lansing (Michigan) District Court

The One Day/One Trial Jury System was designed for implementation in large multi-judge court systems as in Wayne County and Harris County but it can be adapted by smaller courts. The East Lansing District Court implemented the new jury system in September 1976 with the goal of decreasing the economic and personal hardships of jurors and improving the efficiency of its jury system. Whether or not the goals of the One Day/One Trial Jury System can be achieved in a small court like the East Lansing District Court is one of the questions addressed in this study.

The East Lansing District Court is a one-judge court serving a university community of approximately thirty thousand people. The District Court is a court of limited jurisdiction, handling primarily misdemeanors and traffic violations. Six-member juries rather than twelve are used.¹⁰

The application of One Day/One Trial in the East Lansing District Court is very similar to its operation in Wayne County since Michigan laws apply to both courts. One difference between the courts is the administration of the jury operation. Efficient management of the jury system in the larger court of Wayne County necessitates computerization of court records, juror identification, caseflow data, etc. In a small jurisdiction like East Lansing, however, the same information can be compiled manually. The East Lansing District Court does have access to the computer belonging to Ingham County, and this is used to select the names of prospective jurors for each jury term.

The selection of jurors is completed in several stages in the East Lansing District Court. The entire process is begun in May when the court gives an estimation of its needs for the upcoming jury term

to the Jury Board. That number is then drawn in a random manner from the voter registration list. Those persons chosen are sent questionnaires by the jury commissioners who determine a person's acceptability based upon his responses. Michigan law exempts federal and state employees, county officials and deputies, judges, lawyers, those persons over seventy years of age and those who had been called to jury duty during the preceding twelve months.¹¹ Once the Jury Board has compiled the list of qualified citizens, the list is forwarded to the District Court's jury clerk. The next stage involves the mailing of the court's own Personal History Questionnaire in August to the persons on the list. For the 1977-78 term, 3,500 citizens were mailed questionnaires by the court. The returned questionnaires are placed in the jury box in the order in which they are received and the summonses are mailed to the prospective jurors in this sequence. Fifteen jurors are summoned for each scheduled trial.

It is inevitable in any court that a certain number of scheduled trials will never be held. Money and time are wasted if citizens reporting for service are not used due to postponement of the trial, change of plea, reduction of charge, etc. To circumvent this, the East Lansing District Court directs its prospective jurors to phone the jury clerk at 10:00 A.M. of the day they are to serve; if the trial is still scheduled, the citizens are told to report. Those persons not needed due to cancellation of the trial have fulfilled their jury duty even though they did not actually report. In addition to reducing personal inconveniences to the citizens, the court saves money since it does not pay those citizens who do not report.

A panel of fifteen citizens is summoned but frequently there are a few no shows, reducing the panel size to twelve or thirteen. Upon

reporting to the court at 10:30 A.M., the prospective jurors are shown a film entitled Justice for All... which explains jurors' duties and responsibilities and describes the pertinent procedures. This orientation takes approximately thirty minutes after which the voir dire begins. Prior to implementation of One Day/One Trial, all the prospective jurors for the two-week jury term reported for an hour-long orientation conducted by the staff. The orientation was scheduled for a morning on which no jury trials were expected, necessitating the return of the citizens on the trial days. During voir dire, conducted by the judge, each lawyer is permitted three challenges for cause and three peremptory challenges. Since only six jurors are needed, the other persons are dismissed from further service once the jury is established in voir dire. The jurors chosen for the trial complete their duty at the end of the trial.

Despite the fact that several evaluations of the One Day/One Trial Jury System have been conducted, a void can be filled through the study of One Day/One Trial in the East Lansing District Court. Though the operation of the system in the three courts is similar, the effect upon each court can be expected to vary. Since the concept of One Day/One Trial is becoming increasingly popular among court administrators, it is advantageous to ascertain whether or not it is adaptable to most courts regardless of size. It will not be possible to generalize this study to other courts but the results should be beneficial to similar courts which are considering the implementation of the One Day/One Trial Jury System.

CHAPTER II

REVIEW OF THE LITERATURE

Introduction

The monitoring of juror usage was initiated in 1971 by the Administrative Office of the United States District Courts. The reporting system required of the federal courts is one of the few organized efforts to compile information and monitor juror utilization. The study of juror usage has received more attention since the publication of two Law Enforcement Assistance Administration (LEAA) reports containing recommendations for improved jury management.¹²

Efforts to modify the jury system have resulted in a few juror utilization studies. The One Day/One Trial Jury System in Wayne County, Michigan, designated an exemplary project by LEAA, has been evaluated, and data from the first six months of its operation are available.¹³ A study of the Harris County, Texas jury system was conducted in 1974 by consultants from Bird Engineering-Research Associates in order to determine the effect of One Day/One Trial on juror utilization.¹⁴ Efforts to determine jurors' attitudes toward jury duty and the variables affecting those attitudes have been made but the results of each study differ.¹⁵ The results of these studies will be discussed in this chapter.

Juror Usage

A study of the jury system operation in the District of Columbia's District Court was undertaken by Dr. William Pabst as a result of his

experiences as a juror in that court. Astounded by the inefficient use of jurors, Dr. Pabst monitored juror usage for January, February and March 1970 to discover the reasons behind the waste of jurors and other resources. Information regarding the number of jurors needed by the court, the length of various court activities (eg. length of voir dire, length of trials), the number of jurors impanelled, the number of jurors challenged during voir dire and the size of the jury was recorded for each trial conducted in the District Court. The data were analyzed to ascertain the peak number of jurors used, the average length of voir dires, length of trials and the peak hours of the day for trials to be conducted. The daily average number of jurors used varied from a low of 55.02 jurors to a high of 238.45 jurors out of a jury pool of two hundred and fifty citizens; the average number of jurors of the fifty-nine day study was one hundred and twenty-five which represents a fifty percent underutilization.¹⁶ Pabst attributed the high daily peaks to simultaneous starts of trials, varied number of courts conducting jury trials and large pools.

Dr. Pabst's observation of the District of Columbia's District Court illuminated the uncertainty involved in the jury system. At the time of the study, the individual judges determined their panel needs for the next day but the data demonstrated how difficult it is for the judge to efficiently estimate those needs. During the three months examined, five hundred and twenty-two panels were requested by the judges but only two hundred and forty-five were actually needed.¹⁷ To reduce the large overcall of panels, Pabst recommended that someone with knowledge of the entire court's needs be responsible for determining the number of panels necessary. A better estimation of the proper number of

panels needed can be achieved by taking into consideration the number of courts in session, the nature of the scheduled trials (criminal or civil, one or more defendants, etc.), the average length of a trial, the average number of jurors used per court and the maximum peak of jurors per court. This was just one of the recommendations suggested by Dr. Pabst to improve juror utilization; most of the other recommendations have been discussed previously.

The Administrative Office of the United States District Courts, in addition to sparking interest in jury systems, publishes an annual report on juror utilization in the United States District Court. The data presented in the reports was derived from the JS-11 forms required of each federal district court. During the first five year period, 1971-1975, the number of jurors needed for every jury trial in federal courts was reduced by four.¹⁸ The Juror Usage Index fell by 17.1 percent during the five years, indicating increased efficiency in the jury systems.¹⁹ In addition to these indicators, the percentage of prospective jurors selected or serving on a trial increased from 54.2 percent in 1971 to 60.1 percent in 1975.²⁰ Accordingly, the number of jurors not used has declined. These figures indicate that fewer citizens were called and a greater proportion of those called actually served.

The reporting system required by the Administrative Office is applicable only to the federal courts. Similar data pertaining to other courts are not readily available.

The One Day/One Trial Jury System was not initially intended to increase juror efficiency in the Harris County Courts. In early 1973 Stevens and Munsterman studied the system to determine the effect of One Day/One Trial on juror utilization.²¹ The trial activity and jury pool transactions during the first three months of 1973 were monitored

in order to obtain the number of jurors available to serve, the number of panels requested and used, the number of jurors impanelled, jury size and the number of jurors challenged.

Results of this evaluation indicated that implementation of One Day/One Trial has improved juror utilization. The percentage of prospective jurors used during voir dire was eighty-one; the nineteen percent non-use of jurors indicates a good estimation of the court's needs.²² All of the impanelled jurors in the criminal trials were questioned in sixty-two percent of the voir dire; all of the twenty-six jurors in civil cases were used sixty-seven percent of the time.²³ The data indicates that the panels were not excessively large especially since most of the peremptory challenges permitted the attorneys were exercised.

Stevens and Munsterman suggested several changes in their evaluation which could improve the jury system's operation even further. The data collected showed a slight overcall of jurors summoned on certain days of the week. The authors contend that the court could operate in the same manner by calling four hundred and thirty prospective jurors to the criminal court on Tuesday rather than the five hundred originally summoned; six thousand and nine hundred dollars could be saved annually if this change were instituted.²⁴ A similar modification could be made in the civil court which would result in a savings of eleven thousand and five hundred dollars.²⁵ Another method which could reduce the overcall of jurors is the consolidation of the civil and criminal courts' jury pools. This would require ten percent fewer jurors to fulfill the daily needs of the court.²⁶

The major drawback to the Texas One Day/One Trial Jury System as seen by Stevens and Munsterman is the prohibition against reusing impanelled jurors. The court system has to pay a high price to maintain

"fresh" juries. Stevens and Munsterman have estimated that one-third of the jurors summoned could be eliminated if impanelled jurors were to be reused. By reusing jurors, the court could save an estimated one hundred and thirty-seven thousand dollars.²⁷

The implementation of One Day/One Trial has also improved juror utilization in the Wayne County Courts. The studies of the Wayne County system have measured its efficiency with the Juror Usage Index and the Juror Days Per Trial (JDPT). The JUI and the JDPT are similar in that they both measure the time consumed in jury trials yet the JDPT uses the number of trials rather than the number of trial days to determine the figure. A decrease in both measures is considered an improvement in juror utilization. The JDPT decreased by twenty-five percent under One Day/One Trial while the JUI was reduced by thirty-two percent from 16.3 prior to One Day/One Trial to 11.1 after its implementation.²⁸

In addition to these indices, the costs associated with the jury system decreased during the first six months of operation. The costs per trial decreased twenty-five percent and costs per trial day decreased by thirty-two percent.²⁹ The projected annual savings due to One Day/One Trial are approximately two hundred and eighty thousand dollars.³⁰ Despite initial operational costs, this is still a sizeable figure.

Jurors' Attitudes

The utilization of jurors affects not only the court's operations and budget but also the attitudes of the citizens serving as jurors. Several studies of jurors' attitudes have been conducted with varying results.

Three aspects of jury duty have been deemed contributing factors in the evolution of attitudes held by jurors: the waiting time; the long term of service; and the non-use of some jurors. Data collected by Pabst, Munsterman and Mount from eighteen different courts indicate that jurors' attitudes are influenced by the generally wasteful practices of courts.³¹ The jurors, responding to the researchers' questionnaires, singled out the long time spent in the courthouse as the most burdensome factor of jury service. Another common complaint voiced by jurors centers on the time wasted in the jury lounge. This waiting time was found to negatively affect jurors' attitudes but the effect of waiting was diminished in courts with shorter terms of service.

The third negative aspect of jury service illuminated by the Pabst, Munsterman and Mount study is the result of overcalling jurors. Frequently, citizens are summoned and are willing to serve but they are never called to serve on a trial. This occurrence negatively affected the attitudes of the jurors especially if they also had to wait a long time in the jury lounge. One court in which not serving had little effect upon the attitudes was the Harris County Court which uses the one day term of service. The short term apparently compensates for non-selection.³²

A study of jurors' attitudes conducted in the Alabama court system by Durand and Bearden reached similar conclusions.³³ These researchers measured attitudes held by jurors on the first day of service and on their last day of service in order to determine which specific aspects of jury service were the most significant in influencing attitudes. The result of their study support the claims by Pabst, Munsterman and Mount that the use of the jurors' time and the length of

service are the major factors affecting attitudes. Data from this study indicate that serving on a trial does improve jurors' attitudes toward jury service. A comparison of before and after service attitudes found that the attitudes of those who served had improved at a greater rate than those who did not serve.³⁴

A study of jurors' attitudes in Wayne County, Michigan, however, has not uncovered the expected results.³⁵ As a result of One Day/One Trial and its elimination of several inconveniences, an improvement in jurors' attitudes was anticipated. Jurors' attitudes had been studied prior to One Day/One Trial which enabled a comparison of attitudes held by pre- and post-implementation jurors. Little change between the two groups' attitudes was discovered, however.

Summary

There are very few published evaluations of juror utilization and jurors' attitudes in the courts. The results of the known studies indicate that improvement of juror utilization in the court systems can be achieved through proper monitoring of juror usage, adaptation of certain techniques such as variable call of jury panels, continuous operation of jury trials pooling of jurors and the shortening of the term of service. Studies of the One Day/One Trial Jury System in Harris County and Wayne County demonstrated that the system did achieve the goals of improving juror utilization and decreasing the cost of the operation.

The effect of increased efficiency upon jurors' attitudes toward jury service and the courts is debatable. An improvement in jurors' attitudes would be expected in efficient courts since studies have indicated that court inefficiency and the resulting waste of jurors are major factors influencing the attitudes held by jurors. One study did

demonstrate that negative feelings were diminished somewhat in courts with relatively short terms of service but the results of a six-month evaluation in Wayne County showed little difference in attitude between pre- and post-program jurors. Further evaluations of jury systems and their effects upon juror usage and jurors' attitudes are necessary if they are to be improved.

CHAPTER III

RESEARCH DESIGN

Introduction

The two aspects of jury management which are examined in this study of the East Lansing District Court are juror usage and the factors which influenced jurors' attitudes toward jury service. The District Court implemented the One Day/One Trial Jury System in order to achieve the goals of efficient juror usage and improved juror attitudes toward jury duty. The purpose of this evaluation is to determine if the court achieved its goals. It was not possible, however, to measure the improvement in jurors' attitudes but the isolation of several factors which have an influence upon the attitudes of the jurors was the aim of the study. The hypotheses which were tested, the sampling procedures and the data collection methods will be enumerated in this chapter.

Hypotheses

Juror Utilization

The hypotheses concerning juror utilization and the operation of the jury system were based upon the research conducted in other courts which indicated that juror utilization improved and operation costs were reduced as a result of the One Day/One Trial Jury System.

Hypothesis 1: Juror utilization in the East Lansing District Court will have improved during the 1976-77 term due to the implementation of One Day/One Trial.

Hypothesis 2: The costs associated with the jury system will be less for the 1976-77 term than for the 1975-76 term.

Jurors' Attitudes

The relationship of the variables in the following hypotheses have not been evaluated previously which made it difficult to indicate how these variables will influence the attitudes of the citizens. Thus, these hypotheses were stated in non-directional terms.

Hypothesis 3: The ages of the prospective jurors will influence pre- and post-service attitudes.

Hypothesis 4: The sex of the prospective jurors will also be an influential factor.

Hypothesis 5: A citizen's occupation will have an effect upon his or her attitude toward jury service.

Hypothesis 6: The educational level of prospective jurors will affect their attitudes toward jury service.

Hypothesis 7: The type of trial, civil or criminal, on which the juror serves will have an effect upon the jurors' attitudes to jury service in the future.

The relationships discussed in the following hypotheses have been the subjects of prior studies and are, therefore, stated in directional terms.

Hypothesis 8: Citizens who have had previous jury service prior to being summoned by the East Lansing District Court will have more positive initial reactions to the summons than those who never served.

Hypothesis 9: Citizens who have a positive initial reaction to the summons to jury duty will not want to be excused from jury duty.

Hypothesis 10: A positive initial reaction to the summons will also reduce the degree of perceived inconvenience of jury duty.

Hypothesis 11: A citizen's view of serving on a jury in the future will be influenced by whether or not he actually served on a trial.

These are the hypotheses which were tested in this study of the One Day/One Trial Jury System in the East Lansing District Court. The methods utilized to test and measure the hypotheses will be described in the following sections.

Sampling Procedures

Several of the researchers conducting studies of this type, primarily Pabst, Munsterman and Mount, have had months in which to conduct their studies and thousands of jurors at their disposal. Time and cost factors prohibit undertaking such a lengthy evaluation of One Day/One Trial in the East Lansing District Court. Rather than monitor the jury operation for an entire year, the month of October 1977 was chosen as a matter of convenience. Except for the summer months when most of the student population is absent, there is little variation between the months. The number of jury trials, determined months in advance, are comparable for all the months.

The jurors summoned for duty during the month of October in the District Court are randomly chosen from the voter registration list as mentioned in the description of the qualification process. Twelve jury trials were scheduled for October which resulted in a sample size of one hundred and eighty prospective jurors (fifteen citizens are summoned for each jury trial).

Data Collection

Two kinds of data had to be gathered for this evaluation of the jury system in East Lansing. Data pertaining to juror utilization and data about the jurors' attitudes had to be collected in order to assess the court's success in attaining its goals.

Juror Utilization

Monitoring the court's operations of the jury during October provided much of the data needed to judge its performance with respect to juror utilization. The specific data recorded on a form similar to the United States District Court's JS-11 form (see Appendix) were the number of jury trials conducted, the number of citizens appearing for jury duty, the number of prospective jurors challenged and the number of citizens not used during voir dire. The number of citizens summoned, the length of the voir dire and the length of the trials were also recorded despite the fact that these data were not essential to the calculations used to determine the juror usage.

The East Lansing District Court, being a small court, had only twelve jury trials scheduled for October. The court records of jury trials contained data on the number of citizens summoned for jury duty, the number of jurors sworn and the number of jury trials. The records for the 1975-76 court term and the 1976-77 term were examined. The data from the 1975-76 term were from the year prior to implementation of the One Day/One Trial Jury System while the 1976-77 records provided information regarding the first year of the system's operation. Enough information concerning the operation of the jury was obtained from the court's files to provide a comparison of the jury systems.

The Juror Usage Index, used in this study to measure juror

utilization, was developed by the United States District Courts' Administrative Office. The JUI produces a figure indicating the average number of citizens required to appear for each trial day. A low JUI indicates an efficient use of prospective jurors. The JUI is calculated by dividing the total number of citizens appearing for service by the total number of trial days.

Jurors' Attitudes

The data concerning jurors' attitudes was collected by questionnaires administered to prospective jurors before and after their service. The first questionnaire, measuring pre-service attitudes, was sent to the prospective jurors approximately one week prior to their scheduled appearances; one hundred and eighty questionnaires were mailed with self-addressed stamped envelopes to encourage responses. The second questionnaire, measuring the attitudes after service, was mailed to those citizens who were required to report for service.

These questionnaires were returned anonymously which precluded any follow-up mailing to the potential respondents. This fact will have an impact upon any conclusions which are drawn, especially if the response rates are low; the possibility of a biased sample will have to be taken into consideration. Copies of the questionnaires are in the Appendix.

Measurement of Variables

Nineteen variables were measured and analyzed in order to determine their effect on jurors' attitudes. The variables were measured by posing questions pertaining to attitudes toward jury service to the citizens summoned. Some of the questions, primarily the ones dealing with personal characteristics, were common to both the questionnaires

while others were specific to either the pre-service or the exit questionnaire.

The respondents were requested to indicate their ages, sex, race and occupation on both questionnaires. The ages were not grouped on the questionnaires but when compiling the information the ages were categorized in seven-year spans. The race of the respondents was measured by one of four responses: Caucasian, Negro, Spanish and other. The respondents were provided space to identify their occupations, so as not to exclude any possible occupations. The responses were then assigned to one of five categories based upon a review of the responses.

The exit questionnaire asked the respondents to indicate their educational level by circling the last year of school completed. To simplify analysis, the various responses were placed in one of four classifications: 1) high school, 2) one to two years of college, 3) three to four years of college or 4) postgraduate.

In the pre-service questionnaire, the citizens were asked whether or not they had had previous jury service, whether or not they would be inconvenienced by jury duty, and whether or not they wished to be excused from jury duty. These questions involved only "yes" or "no" responses. The respondents were also to indicate their initial reaction to jury duty by marking one of four responses: 1) honored, 2) pleased, 3) accepting or 4) reluctant. The opinion of the citizens toward the role of the jury was sought. The choices available to the respondents were: 1) crucial, 2) important, 3) unimportant, and 4) nonessential.

The jury exit questionnaire queried citizens who reported for jury duty about their service. They were requested to answer "yes" or "no" to whether or not they served on a trial and also to indicate whether the trial was civil or criminal. The citizens were given the opportunity

to indicate which factors impressed them and disappointed them about their jury service. The various responses were then coded according to those used in previous research. For the first question, the categories were: 1) court personnel, 2) other jurors, 3) court procedures, or 4) the judge. The categories for the most disappointing factors were: 1) court personnel, 2) not serving, 3) waiting, or 4) court procedures.

The responses were requested on the exit questionnaire to indicate their initial reaction to the summons once more. Immediately following this question was another about their reaction if summoned to jury duty in the future. These responses were: 1) the same, 2) more pleased, or 3) less pleased. The respondents also ranked the court facilities, court personnel and preparation on a scale of excellent, good, adequate or poor.

CHAPTER IV

RESULTS

Introduction

The results of this study of the jury system in the East Lansing District Court will be presented in this chapter. In addition to the results pertaining to each hypothesis, brief summaries of the jury trials and the personal characteristics of the citizens called to jury duty will be included.

Juror Utilization

Jury Trial Activity

The number of jury trials scheduled for October 1977 in the District Court was twelve, but only six of these were actually held. The other six jury trials were either settled out of court or postponed. As mentioned in the discussion of the qualification process, fifteen citizens are summoned for each scheduled jury trial. All fifteen citizens did not appear for any of the six jury trials that were held. The average number of citizens appearing was thirteen.

The length of the voir dire is related to the number of challenges, peremptory or for cause, exercised by the attorneys. The average number of challenges exercised during the six trials was three; no challenges were exercised in two of the trials but in one trial six jurors were challenged. The voir dire in the six trials consumed an average of thirty-six minutes.

Juror Usage

The determination of the efficiency of juror utilization was accomplished by examining the percentage of prospective jurors questioned during voir dire, the percentage of citizens summoned who actually served on a jury, and the Juror Usage Index (see page 26 for an explanation of the JUI).

During October 1977, sixty-nine percent of the prospective jurors were questioned during voir dire. In other words, thirty-one percent of the reporting citizens were not used.

Since six jury trials were held, thirty-one citizens served as jurors. This indicates a forty-five percent utilization rate of the eighty citizens who reported for duty.

The Juror Usage Index for the month of October 1977 was 11.5. The JUI for the court term prior to One Day/One Trial was 17.9 while the Index for the first term under the system, 1976-77, was 11.3. A lower JUI indicates a more efficient use of jurors. Consequently, the hypothesis that juror utilization would improve as a result of the One Day/One Trial Jury System is supported.

The data obtained during observation of the District Court's jury system operation are presented in Table 1. The figures in the first column represent the number of citizens reporting for the jury trials which were held during October. The number of prospective jurors questioned during voir dire are listed in column two while the number of those who were challenged are given in column three. The fourth column contains the number of citizens not questioned during voir dire.

TABLE 1

JUROR USAGE DATA FOR OCTOBER 1977

Date	Total Available to Serve	Questioned During Voir Dire	Challenged	Not Used
10/5	13	10	7	3
10/17	13	12	7	1
10/19*	6			
10/20	14	11	8	3
10/21*	6			
10/24	13	6	7	7
10/27	13	10	7	3
10/31	14	6	8	8

* The trials were continued from the previous jury trial days.

Costs of the Jury System

It had been hypothesized that the costs associated with the operation of the jury system would be reduced under One Day/One Trial. The East Lansing District Court saved \$2,476.75 during the first year of One Day/One Trial. Cost reduction resulted from the fact that less citizens were required to appear on the trial days and from the elimination of the separate jury orientation. During the 1975-76 term, the court paid \$2,166.20 to citizens appearing for the orientations; under One Day/One Trial this cost was not incurred.

Jurors' Attitudes

Response Rates

A response rate of sixty-one percent for the pre-service questionnaire was attained as a result of just one mailing. No follow-up mailings could be undertaken due to the anonymous nature of the questionnaires. This fact also prevented the determination of the representativeness of the sample. The representativeness of the respondents could have been determined by comparing the responses to those on the Personal History Questionnaires. Confidentiality restrictions prevented such a comparison, however. The fact that the sample could be biased must be taken into consideration when making conclusions from the data.

Exit questionnaires were mailed to the eighty citizens who reported for jury duty. The response rate of eighty-one percent was attained but the raw number of questionnaires was rather small (N=65).

Personal Characteristics

The largest percentage of respondents--36.2--were in the eighteen to twenty-five age category. The percentage of responding citizens who

were female was 53.4 while 98.3 percent were Caucasian. The two occupational categories in which most of the respondents belonged were the executive, professional classification and the student classification. The majority of the citizens had some college education. Table 2 gives a more detailed breakdown of the responses.

A very small percentage of the respondents had served on a jury prior to receiving the summons to jury duty in East Lansing. The majority of the respondents had positive initial reactions to receiving the summonses to duty and 37.5 percent were reluctant to serve. Almost half of the responding citizens thought they would be inconvenienced by jury service yet only 30.6 percent indicated a desire to be excused. The citizens' opinions of the role of the jury in judicial proceedings did not vary much; only 3.7 percent of the respondents considered the jury unimportant and only one person thought it nonessential to judicial proceedings. The above data were obtained from the pre-service questionnaire.

Of the sixty-five citizens who responded to the jury exit questionnaire, 38.5 percent actually served on a trial; the other 61.5 percent reported for jury duty but did not sit on a jury. The persons who did serve as jurors were requested to indicate whether their trial was civil or criminal. There were no civil jury trials held during the period under observation yet forty percent of the jurors reported judging a civil case.

The orientation film was the factor most often impressing the citizens who responded to the exit questionnaire. The factor causing the most disappointment was the waiting period. A majority of persons indicated that they would have the same reaction to a summons for jury duty in the future as they did when receiving the present summons. When asked to

TABLE 2

PERSONAL CHARACTERISTICS OF JURORS

Categories	Percentage	Frequency
Age		
18-25	36.2%	63
26-33	16.1	28
34-41	11.5	20
42-49	10.9	19
50-57	12.1	21
over 57	13.2	23
Total	100.0	174
Sex		
Male	46.6	81
Female	53.4	93
Total	100.0	174
Race		
Caucasian	98.3	171
Negro	....	...
Spanish	.6	1
Other	.6	1
Total	99.5	173
Occupation		
Laborers	1.2	2
Clerical, sales	21.3	35
Executive, professional	38.4	63
Students	27.4	45
Unemployed	11.6	19
Total	99.9	164
Education		
High school	9.2	6
1-2years college	20.0	13
3-4years college	38.5	25
postgraduate	32.3	21
Total	100.0	65

rank the physical facilities of the court, the court personnel, and the preparation for jury service, the largest percentage of respondents rated the facilities "good," the court personnel "excellent," and the preparation "good." The percentage breakdown for the responses to both questionnaires is given in Table 3.

Influence of Age

It was hypothesized that the age of the respondents would influence the initial reaction to jury duty, the desire to be excused from jury duty, the reaction to jury service in the future and perceptions of inconvenience. The data in this study indicate that there is a relationship between age and the attitudes of the respondents. The percent of respondents who were reluctant to serve was high for the first age category but gradually declined for those in their late twenties and thirties. The percent of reluctant respondents increased to the high level for those in the 42-49 age group but then drastically decreased in the 50-57 group. Thus, a relationship between attitudes toward jury duty and being young or middle-aged exists.

This pattern was also evident in the relationship between age and perception of inconvenience. The percent of young respondents inconvenienced was high then declined for the next two age groups; the largest percentage of those claiming to be inconvenienced was in the 42-49 age group. The data for these findings are presented in Table 4.

Influence of Sex

The citizen's sex had a significant relationship with his or her perception of the inconvenience caused by jury duty. Males were more inconvenienced by jury duty than females. This was expected since more

TABLE 3

PERCENTAGE BREAKDOWN OF QUESTIONNAIRE RESPONSES

Questionnaire Responses	Percent	Frequency
<u>Previous service</u>		
Yes	11.8%	13
No	88.2	97
<u>Initial reaction</u>		
Honored	11.3	19
Pleased	37.5	63
Accepting	13.7	23
Reluctant	37.5	63
<u>Desire to be excused</u>		
Yes	30.6	33
No	69.4	75
<u>Inconvenienced</u>		
Yes	46.8	51
No	53.2	58
<u>Role of jury</u>		
Crucial	50.9	55
Important	44.4	48
Unimportant	3.7	4
Nonessential	.9	1
<u>Jurors actually serving</u>		
Yes	38.5	25
No	61.5	40
<u>Length of service</u>		
One day	76.7	46
Two days	23.3	14
<u>Factors impressing jurors</u>		
Court personnel	5.4	8
Other jurors	4.1	6
Court procedures	13.6	20
Film	76.9	113
<u>Factors disappointing jurors</u>		
Not serving	27.8	10
Waiting	47.2	17
Court procedures	25.0	9
Court personnel	....	..

TABLE 3-Continued

Questionnaire Responses	Percent	Frequency
<u>Future reaction</u>		
Same	66.1%	41
More pleased	25.8	16
Less pleased	8.1	3
<u>Rating of physical facilities</u>		
Excellent	29.5	18
Good	47.5	29
Adequate	18.0	11
Poor	4.9	3
<u>Rating of court personnel</u>		
Excellent	55.7	34
Good	39.3	24
Adequate	4.9	3
Poor	....	..
<u>Rating of Preparation</u>		
Excellent	35.0	21
Good	46.7	28
Adequate	18.3	11
Poor	....	..

TABLE 4

BREAKDOWN OF RESPONSES BY AGE

Question	18-25	26-33	34-41	42-49	50-57	over 57
<u>Initial reaction</u>						
Honored	12.7%	10.7%	15.8%	5.6%	....	18.2%
Pleased	33.3	42.9	42.1	16.7	72.2	27.3
Accepting	9.5	7.1	5.3	33.3	16.7	22.7
Reluctant	44.4	39.3	36.8	44.4	11.1	31.8
<u>Desire to be</u>						
<u>Excused</u>						
Yes	31.0	29.4	30.8	53.8	16.7	18.2
No	69.0	70.6	69.2	46.2	83.3	81.8
<u>Inconvenienced</u>						
Yes	54.8	47.1	30.8	69.2	25.0	33.3
No	45.2	52.9	69.2	30.8	75.0	66.7
<u>Future reaction</u>						
Same	66.7	63.6	50.0	60.0	77.8	70.0
More pleased	23.8	36.4	33.3	40.0	11.1	20.0
Less pleased	9.5	....	16.7	....	11.1	10.0

males were employed and thus more inconvenienced.

The sex of the respondent also had an effect upon the reaction to jury service in the future. The percentage of male respondents indicating that they would be more pleased to serve on a jury in the future was greater than that percentage for the female respondents. In other words, males' attitudes toward further jury service became more positive at a greater rate than females' attitudes. The percentage for the responses are given in Table 5.

Influence of Occupation

Whether or not a respondent was inconvenienced by jury duty was associated with his or her occupation. It was found that the majority of students

TABLE 5

BREAKDOWN OF RESPONSES BY SEX

Question	Male	Female
<u>Initial reaction</u>		
Honored	11.5%	11.1%
Pleased	34.6	40.0
Accepting	9.0	17.8
Reluctant	44.9	31.1
<u>Desire to be excused</u>		
Yes	28.6	32.2
No	71.4	67.8
<u>Inconvenienced</u>		
Yes	59.2	36.7
No	40.8	63.3
<u>Future reaction</u>		
Same	54.8	77.4
More pleased	35.5	16.1
Less pleased	9.7	6.5

indicated that they would be inconvenienced by jury duty; the majority of unemployed persons, including housewives, were not inconvenienced. Students were also the most reluctant to serve and showed a greater desire to be excused from jury duty than the other respondents. The percentages show that laborers have the most positive attitudes toward jury duty than any other occupational group. This data is misleading since only two of the respondents were laborers. To determine if this class of people is the most positive, a larger sample is necessary. Table 6 presents the data according to occupation.

Influence of Education

The educational level achieved by the respondents is related to their initial reactions to jury duty and the reactions to further jury

TABLE 6

BREAKDOWN OF RESPONSES BY OCCUPATION

Question	Laborers	Craftsmen, clerical	Exec., Managers	Students	Un- employed
<u>Initial reaction</u>					
Honored	50.0%	9.1%	10.2%	18.9%	26.3%
Pleased	50.0	42.4	40.7	28.9	31.6
Accepting	....	9.1	11.9	13.3	31.6
Reluctant	....	39.4	37.3	48.9	10.5
<u>Desire to be excused</u>					
Yes	....	27.8	28.6	43.3	14.3
No	100.0	72.2	71.4	56.7	85.7
<u>Inconvenienced</u>					
Yes	....	26.3	60.0	66.7	14.3
No	100.0	73.7	40.0	33.3	85.7
<u>Future reaction</u>					
Same	....	73.3	69.2	60.0	60.0
More pleased	100.0	26.7	19.2	26.7	40.0
Less pleased	....	....	11.5	13.3	....

service. High school education was associated with positive attitudes toward jury duty. College education was found to have a negative impact upon the attitudes of the respondents but this impact was lessened by additional education. The data are presented in Table 7.

Influence of Trial Type

The hypothesis that the type of trial on which a juror served would affect the jurors' attitude toward jury service in the future could not be tested. All of the jury trials held during October 1977 were criminal trials.

Influence of Previous Service

Based upon prior studies of jurors' attitudes, it had been stated that the attitudes of citizens who had had previous jury experience would be

TABLE 7

BREAKDOWN OF RESPONSES BY EDUCATION

Question	High school	1-2 Years college	3-4 Years college	Postgraduate
<u>Initial reaction</u>				
Honored	16.7%	8.3%	....	16.7%
Pleased	50.0	41.7	41.7	50.0
Accepting	33.3	....	16.7	11.1
Reluctant	....	50.0	41.7	22.2
<u>Future reaction</u>				
Same	83.3	66.7	64.0	63.2
More pleased	16.7	33.3	24.0	26.3
Less pleased	....	....	12.0	10.5

more pleased than the attitudes of citizens not having any prior encounters with jury duty. The results of the questionnaire administered to prospective jurors in the East Lansing District Court indicated that the opposite was true. The respondents who had had previous jury service were more reluctant to serve again than those who had not had previous service. More of those with previous jury experience also wanted to be excused from jury service. The reluctance to serve and the desire to be excused on the part of those who had had previous jury experience does not appear to be due to inconvenience since both groups displayed similar perceptions of inconvenience. Table 8 gives the breakdown of responses.

Influence of Initial Reaction on Jury Service

A respondent's initial reaction to jury duty had a negative impact upon his or her desire to be excused from jury duty. The more positive a citizen's initial reaction was, the less likely it was for him to wish to be excused from jury duty.

TABLE 8

BREAKDOWN OF RESPONSES BY PREVIOUS SERVICE

Question	Previous Service	No Previous Service
<u>Initial reaction</u>		
Honored	15.4%	12.6%
Pleased	7.7	36.8
Accepting	23.1	12.6
Reluctant	53.8	37.9
<u>Desire to be excused</u>		
Yes	50.0	28.1
No	50.0	71.9
<u>Inconvenienced</u>		
Yes	46.2	46.9
No	53.8	53.1

The respondent's initial reaction to jury duty was negatively related with whether or not he was inconvenienced by the duty. The data, presented in Table 9, showed that the more positive the initial reaction the less likely the respondent was to be inconvenienced.

TABLE 9

BREAKDOWN OF RESPONSES BY INITIAL REACTION

Question	Honored	Pleased	Accepting	Reluctant
<u>Desire to be excused</u>				
Yes	13.9%	21.4%	26.7%	50.0%
No	86.1	78.6	73.3	50.0
<u>Inconvenienced</u>				
Yes	21.4	38.9	33.3	67.4
No	78.6	61.1	66.7	32.6

Influence of Actual Service

It had been hypothesized that the respondent's reaction to another summons to jury duty in the future would be improved if he or she had

actually served on a trial. A total of sixty-two citizens responded to this question but only twenty-four had sat on a jury. Ten of the respondents who did not serve on a jury indicated they would be more pleased in the future compared to six of those who did serve on a jury. The frequencies contradict the hypothesis but the sample was too small to accurately test this relationship. Testing on a larger scale is necessary to determine what, if any, relationship there is between actually serving on a jury and attitudes.

Summary

Several of the hypotheses stated in Chapter III were supported by the data. Juror utilization in the East Lansing District Court was lower for October 1977 and for the 1976-77 term as a result of the One Day/One Trial Jury System. The Juror Usage Index for the 1976-77 term was 11.3 compared to an index of 17.9 for the 1975-76 term.

The District Court also realized a savings of \$2,476.75 during the first year of One Day/One Trial's operation. The reduction of the number of persons appearing for each jury trial and the elimination of the separate orientation were the major factors affecting savings.

A relationship between age and the respondents' attitudes was found; the ages 18-25 and 42-49 were related to negative attitudes toward serving. Males were more inconvenienced by jury duty than females but their attitudes toward jury service were found to be related to occupation. Students were the most inconvenienced, the most reluctant to serve and the most desirous of being excused from jury duty. Education and previous service were also related. The respondent's initial reaction to jury duty and his desire to be excused were negatively related; the initial reaction was also negatively related to his perception of being inconvenienced.

CHAPTER V

SUMMARY AND CONCLUSIONS

Introduction

The evaluation of the One Day/One Trial Jury System in the East Lansing District Court was undertaken to answer three questions: 1) did the court increase the efficiency of the jury system, 2) did the court reduce the costs of the jury operation and 3) what factors affected the attitudes of the citizens summoned to jury duty? Two of the three questions have been answered by this study but the third requires further investigation. The need for additional studies of jury systems in addition to the relation of this study to past research will be discussed in this chapter.

Juror Utilization

The primary problem associated with the operation of the jury system lies in the overcall of jurors. The overcall results from the uncertainty which plagues the jury operation; it is very difficult to estimate the number of persons needed.³⁸ This is disruptive to the lives of the prospective jurors and greatly increases the budget of the jury system, yet not much has been done about it until recently.

The United States Federal District Courts have emphasized the efficiency of the jury system in their courts. The documentation of important facets of the jury system increased the awareness among court officials of the problem areas. A gradual decline in the Juror Usage Index has

indicated an increase in efficiency.

The jury operation in Harris County, Texas was improved as a result of an innovative jury system called One Day/One Trial. The new jury system reduced the term of service to one day or one trial to comply with a Texas statute which required "fresh" jury panels. The Harris County Courts experienced an eighty-one percent use of the panels in voir dire and, in two-thirds of the trials, all members of the panels were questioned during voir dire. Though not designed to specifically improve the court's efficiency, the One Day/One Trial Jury System had that result.

One Day/One Trial was adopted by the Wayne County (Detroit) Courts as an attempt to improve juror utilization. Results from an evaluation of the first six months of its operation indicated that this objective has been attained.³⁹ The Juror Usage Index decreased thirty-two percent after implementation of One Day/One Trial.

Similar improvements in the utilization of jurors were observed in the East Lansing District Court. The JUI decreased thirty-seven percent from the 1976-77 term to the 1975-76 term; the Index for October 1977 was also low at 11.5. Another indication of the increased efficiency which One Day/One Trial has effected was that sixty-nine percent of the prospective jurors were questioned during voir dire. This percentage is not as good as that in Harris County, however, but it could be improved if the size of the jury panel were reduced from fifteen to twelve.

Cost of the Jury System

Proponents of the One Day/One Trial Jury System claimed that the system reduced the costs associated with the operation of the jury system. The study of the first six months in Wayne County supported this claim. During the period, costs per trial decreased twenty-five percent while

the costs per trial day decreased by thirty-two percent. There was a projected annual savings of \$288,000 as a result of One Day/One Trial.

As reported in Chapter IV, the East Lansing District Court also realized a savings of \$2,476.75 during the first year of the jury system's operation. Under the One Day/One Trial Jury System, the court spent more money on the mailing of questionnaires but this cost was offset by the elimination of the separate jury orientation.

Jurors' Attitudes

Some of the hypotheses which were tested in this examination of the factors which influence the attitudes of citizens summoned to jury duty have not been discussed in other studies. The effects of age, sex, occupation, education and type of trial on persons summoned to the East Lansing District Court were measured in this study. It was found that the youngest respondents and those in their forties were the most reluctant to serve. The respondents between the ages of forty-two and forty-nine were also the most desirous of being excused from jury duty and the most inconvenienced by jury duty. This indicates that those in their forties are the least interested in becoming involved in the jury system.

The occupation of the respondents was related to their attitudes; the data showed that students were the most inconvenienced by jury duty, the most reluctant to serve as jurors and the most desirous of being excused from jury duty. High school education was associated with positive attitudes toward jury service while college education was associated with negative attitudes. The negative attitude towards jury service declined, however, with additional years of education. The effect of the type of trial upon attitudes was not possible to determine since only criminal trials were held during the observation period.

The male respondents were more inconvenienced by jury duty but more males than females indicated they would be more pleased to serve in the future. This is an indication that serving on a jury does improve the attitudes of male jurors. Pabst, Munsterman and Mount also found that jurors reacted more favorably to the court after serving.⁴⁰

It was inferred from previous research that citizens who had served on a jury prior to being summoned by the East Lansing District Court would have more positive attitudes toward jury service. The results of this study did not support this inference, however. The number of persons who had served on a jury prior to this summons was quite small; to obtain conclusive results, a sample larger than thirteen is needed.

Previous research indicated that the length of jury service influenced the attitudes of the persons summoned to jury duty.⁴¹ There was not enough variation in the length of duty in the East Lansing District Court to test this hypothesis. Several respondents to the pre-service questionnaire did comment on the length of the jury duty, though:

Having three small children, I feel this new type of jury service is very good. It would be almost impossible for me to serve for a month; with One Day/One Trial, there should be no reason for anyone not to be able to serve.

One day jury duty is no hardship. I would have tried to get excused if thirty days were needed.

I think the One Day/One Trial System is excellent and I do not mind at all serving. However, I would be much more reluctant if the duty were for a period of a month.

Another factor singled out by both the Pabst, Munsterman and Mount study and the Durand and Bearden study was the waiting experienced by prospective jurors. The studies designated this factor as a major influence upon the attitudes of the citizens. The citizens who responded to the

exit questionnaire were most disappointed by the waiting.

Studies conducted on jurors' attitudes discovered that whether or not a person actually served on a trial was an influence upon their attitudes. Those who served had more positive attitudes than those who did not. This relationship was tested in the East Lansing study but the fact that too few citizens responding to the exit questionnaire had served on a trial prevented a thorough examination of the relationship. Almost a third of the respondents to the questionnaire indicated that they were most disappointed by not serving on a trial, however.

Further examination of the factors influencing the attitudes of jurors is needed for definitive conclusions to be made. This study of attitudes toward jury service involved too few persons to really evaluate the relationships.

The major finding of this evaluation concerns the increased efficiency due to the new jury system and the decreased costs. Since these results confirm the earlier research, it can be concluded that the One Day/One Trial Jury System in general has the same results in a small, one-judge court as in a large, multi-judge court.

FOOTNOTES

¹See Law Enforcement Assistance Administration, A Guide to Juror Usage (Washington, D.C.: Government Printing Office, 1974), Chapter 1.

²Law Enforcement Assistance Administration, A Guide to Jury System Management (Washington, D.C.: Government Printing Office, 1975), p. 1-3.

³William Pabst, G. Thomas Munsterman and Chester Mount, "The Myth of the Unwilling Juror," Judicature (November 1976): 164-176.

⁴Ibid., p. 169.

⁵Law Enforcement Assistance Administration, A Guide to Juror Usage, p. 3-5.

⁶Ibid.

⁷J.P. Stevens and G. Thomas Munsterman, Juror Usage in Houston, Harris County, Texas (Washington, D.C.: Bird Engineering-Research Associates, 1974), p. 1.

⁸For a more detailed description see Stevens and Munsterman, op. cit.

⁹Ibid.

¹⁰Michigan, Compiled Laws Annotated, 600.1352.

¹¹Michigan, Compiled Laws Annotated, 600.1218.

¹²Law Enforcement Assistance Administration, A Guide to Juror Usage; Law Enforcement Assistance Administration, A Guide to Jury System Management.

¹³ABT Associates, Inc., "Exemplary Project and Validation Report: Wayne County One Day/One Trial Jury System," Cambridge, 1976.

¹⁴Stevens and Munsterman, op. cit.

¹⁵William Pabst, G. Thomas Munsterman and Chester Mount, "The Value of Jury Duty: Serving is Believing," Judicature 61 (June-July 1977); William Pabst, G. Thomas Munsterman and Chester Mount, "The Myth of the Unwilling Juror," Judicature 60 (November 1976); Richard Durand and William Bearden, "A Study of Individual Perceptions and Attitudes of Jury Service," Birmingham, 1977. (Mimeographed).

¹⁶William Pabst, "A Study of Juror Utilization," Reducing Court Delay (Washington, D.C.: Government Printing Office, 1973), p. 104.

¹⁷*Ibid.*, p. 108.

¹⁸Administrative Office of the United States Courts, 1975 Juror Utilization in United States District Courts (Washington, D.C.: United States Courts, 1975), p. 14.

¹⁹*Ibid.*

²⁰*Ibid.*

²¹Stevens and Munsterman, *op. cit.*

²²*Ibid.*, p. 8.

²³*Ibid.*, p. 9.

²⁴*Ibid.*, p. 8.

²⁵*Ibid.*

²⁶*Ibid.*

²⁷Stevens and Munsterman, *op. cit.*, p. 7.

²⁸ABT Associates, Inc., p. 18.

²⁹*Ibid.*

³⁰James N. Canham, "One Day/One Trial," The Judges Journal 16 (Summer 1977), p. 50.

³¹Pabst, Munsterman and Mount, "The Myth of the Unwilling Juror," p. 164.

³²*Ibid.*, p. 169.

³³Durand and Bearden, op. cit.

³⁴Ibid., p. 20.

³⁵ABT Associates, Inc., op. cit.

³⁶Pabst, Munsterman and Mount, "The Value of Jury Duty: Serving is Believing;" Pabst, Munsterman and Mount, "The Myth of the Unwilling Juror;" Durand and Bearden, op. cit.

³⁷Pabst, Munsterman and Mount, "The Value of Jury Duty" Serving is Believing," p. 38.

³⁸Pabst, op. cit.

³⁹ABT Associates, Inc., op. cit.

⁴⁰Pabst, Munsterman and Mount, "The Value of Jury Duty: Serving is Believing."

⁴¹Pabst, Munsterman and Mount, "The Myth of the Unwilling Juror."

APPENDIX

JURORS USED

[illegible]

PRE-SERVICE QUESTIONNAIRE

Age: _____ Sex: Male _____ Female _____ Occupation: _____

Race: Caucasian _____
Negro _____
Spanish _____
Other _____

Have you served on a jury before? Yes _____ No _____
If yes, please describe your experience in general terms (e.g.,
length of jury duty, impressions of the court process, opinion of
the judicial systems, etc.).

What was your initial reaction upon receiving you summons for jury duty?

honored _____
pleased _____
accepting _____
reluctant _____

If possible, would you like to be excused from jury duty?

yes _____
no _____

Do you feel that you will be inconvenienced by serving on a jury?

yes _____
no _____

Do you feel that the role of a jury in a trial is:

crucial _____
important _____
unimportant _____
nonessential _____

If you have any preconceived opinions of jury duty, please describe them.

How long do you expect that your services as a juror will be required? _____

Please feel free to add any comments regarding jury service, court procedures,
the judicial system, etc. _____

EXIT QUESTIONNAIRE

What was your initial reaction towards jury duty?

Honored ____ Pleased ____ Accepting ____ Reluctant ____

What would your reaction be if summoned again?

Same ____ More pleased ____ Less pleased ____

Did you serve on a trial? Yes ____ No ____ If so, what type of trial
was it? Civil ____ Criminal ____

How long did you serve? One day ____ Two days ____

Age ____ Sex ____ Race ____ Occupation ____

Education (Please circle last year completed):

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Postgraduate

What factors most impressed you about jury service? _____

What factors disappointed you about jury service? _____

Do you have any other comments regarding jury duty? _____

Please rank the following:

	Excellent	Good	Adequate	Poor
Court facilities	_____	_____	_____	_____
Court personnel	_____	_____	_____	_____
Preparation	_____	_____	_____	_____
Film	_____	_____	_____	_____

BIBLIOGRAPHY

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- ABT Associates, Inc. Exemplary Project Screening and Validation Reports: Wayne County One Day/One Trial Jury System. Cambridge: ABT Associates, Inc., 1976.
- Canham, James N. "One Day/One Trial." The Judges Journal 16 (Summer 1977): 34-37, 50-51.
- Carlson, Kenneth; Halper, Andrew; and Whitcomb, Debra. One Day/One Trial Jury System, An Exemplary Project. Washington, D.C.: Government Printing Office, 1977.
- Durand, Richard M. and Bearden, William O. A Study of Individual Perceptions and Attitudes of Jury Service. A study prepared for the Permanent Commission of Alabama's Judicial System, 1977.
- Federal Judicial System. Guidelines for Improving Juror Utilization in the United States District Courts. Washington, D.C.: Government Printing Office, 1972.
- Hardy, Ray. Harris County Jury Management and Automated Jury Selection System. Houston: Harris County, 1974.
- Kaufman, Irving R. "The Wasted Juror." Judicature 57 (August - September 1972): 72-74.
- Lasdon, Leon S.; Warren, Allan; and Medson, Steven. "Juror Management in a Metropolitan Trial Court." Judicature 57 (April 1974): 402-409.
- Law Enforcement Assistance Administration. A Guide to Juror Usage. Washington, D.C.: Government Printing Office, 1974.
- _____. A Guide to Jury System Management. Washington, D.C.: Government Printing Office, 1975.
- Pabst, William. "A Study of Juror Utilization." Reducing Court Delay. Washington, D.C.: Government Printing Office, 1973.
- Pabst, William; Munsterman, G. Thomas; and Mount, Chester. "The Economic Hardship of Jury Duty." Judicature 58 (May 1975): 494-501.
- _____. "The Myth of the Unwilling Juror." Judicature 60 (November 1976): 164-171.
- _____. "The Value of Jury Duty: Serving is Believing." Judicature 61 (June - July 1977): 38-42.

Richert, John P. "A New Verdict on Juror Willingness." Judicature 60 (May 1977): 496-501.

Stevens, J.P. and Munsterman, G. Thomas. Juror Usage in Houston, Harris County, Texas. Paper prepared and published by Bird Engineering-Research Associates, Inc., 1974.

Stoever, William. "The Expendable Resource: Studies to Improve Juror Utilization." In Managing the State Courts, pp. 239 - 244. Edited by Larry Berkson, Steven Hays and Susan Carbon. St. Paul: West Publishing Co., 1977.

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