



Eliminating Shadows and Ghosts... Ways to Improve Inclusiveness and Representativeness in Juror Summoning

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NAPCO Webinar Series



Presenters



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Agenda

1. Key Findings from the National Center Study
2. Indiana Master Jury List Process
3. New Jersey Master Jury List Process
4. Important Policy Questions for Court Leaders...
 - ✓ Is a uniform statewide approach best?
 - ✓ What types of support should trial court leaders seek from state AOCs?
 - ✓ How can trial courts ensure they receive accurate, timely source list data?
 - ✓ What should court leaders know and do in negotiating MOUs for source list data?
 - ✓ How best should courts eliminate duplicate records which taint master jury list accuracy?
5. Q & A



Characteristics
of an Effective
Master Jury List

Inclusive

Representative

Accurate

Juror Source Lists in Three States

	Registered Voters	Licensed Drivers/ID Cardholders	State Income Tax Filers
Missouri	X	X	
New Jersey	X	X	X
Tennessee		X	

Percent of Counties by Inclusiveness Rates

	Missouri		New Jersey			Tennessee
Inclusiveness	Voters	Drivers / ID Cards	Voters	Drivers / ID Cards	Income Tax	Drivers / ID Cards
Less than 85%	42%	6%	52%	0%	71%	2%
85% to 100%	49%	31%	48%	10%	29%	5%
100% to 110%	8%	42%	0%	24%	0%	20%
More than 110%	2%	21%	0%	66%	0%	73%

Shadows (Unrecognized Duplicates)

Surname	Suffix	First Name	Middle Name	Street Address	City
DOE	JR	JOHN		34 MAIN STREET	PLAINSBORO
DOE	JR	JOHN	JAKE	34 MAIN STREET	PLAINSBORO
KUMAR		ASHOK	G	12-21 12TH STREET	PLAINSVILLE
KUMAR		ASHOK	G	12-21 12TH STREET APT 1 FL	PLAINSVILLE
MOE		MARTA	B	52 DORCHESTER DR	PLAINSCITY
MOE		MARTA	B	52 DORCHESTER DRIVE	PLAINSCITY
SMITH		JUAN		6872 3RD AVE	PLAINSTOWN
SMITH		JUAN		6872 THIRD AVE	PLAINSTOWN

Ghosts (Stale Records)

Missouri			New Jersey			Tennessee
Updated Addresses	Voters	Drivers / ID Cards	Voters	Drivers / ID Cards	Income Tax	Drivers / ID Cards
12 months	6%	7%	6%	5%	5%	5%
18 months	8%	9%	7%	6%	9%	6%
48 months	11%	10%	9%	9%	11%	10%

Comparative Disparities for Blacks / African Americans

	Missouri	New Jersey			Tennessee
	Master Jury List	Voters	Drivers / ID Cardholders	State Income Tax	Master Jury List
Less than -50%	2%	0%	0%	0%	9%
-50% to -20%	3%	0%	5%	0%	7%
-20% to 20%	83%	100%	90%	100%	69%
20% to 50%	7%	0%	5%	0%	11%
More than 50%	5%	0%	0%	0%	3%

Impact of over-inclusiveness on representation

Missouri :

- Positive correlation with Hispanic

New Jersey:

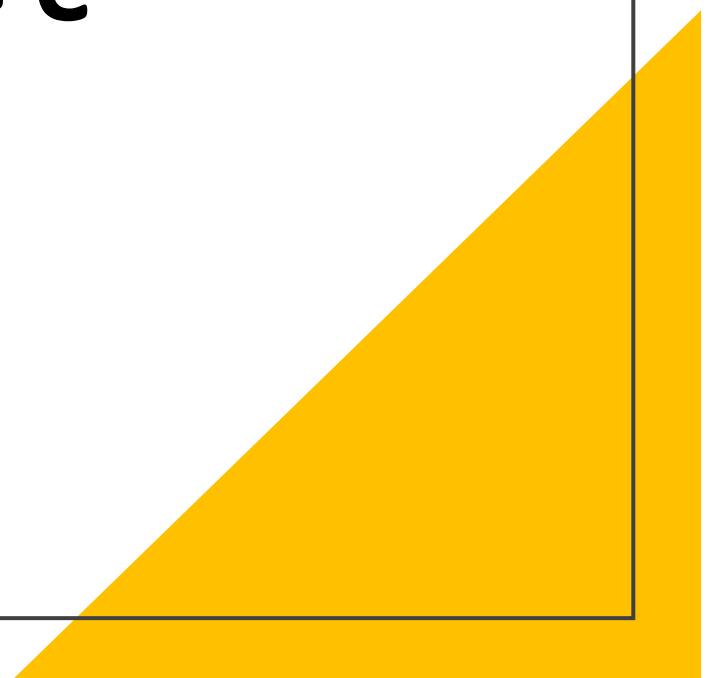
- State Income Tax and Voters: Positive correlation with Black / African American
- Drivers: Positive correlation with Whites

Tennessee:

- Positive correlation with Black / African American
- Negative correlation with Whites

Indiana's Master Jury List Project

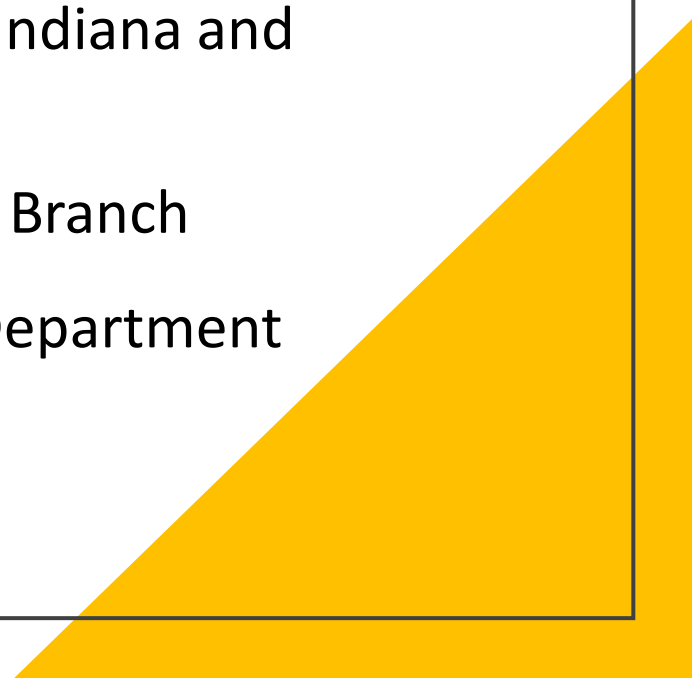
Michelle Goodman, Staff Attorney
Indiana Office of Court Services



About Indiana

- Indiana has 92 counties
- Majority of our counties use a two-step notice/summons process
- The rest use a one-step process notice/summons process

Master Jury List Process

- Current source lists and how we got here
 - New requirements in 2003 for jury pool source lists
 - Role of Jury Committee of the Judicial Conference of Indiana and Indiana Office of Court Technology
 - Collaboration with data source providers in Executive Branch
 - Current source lists – Bureau of Motor Vehicles and Department of Revenue
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Master Jury List Process

- List processing overview
 - Knowing your source data
 - Cleaning/matching data
 - USPS CASS process
 - Communication with local court jury administrators – feedback process
- Project web page:
<https://www.in.gov/courts/admin/tech/jury-pool/>



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

Ongoing Improvements to New Jersey Jury List

January 2023

Overview

Part 1: Transition to In-House Jury Management System

Part 2: Current Process for Creation & Maintenance of Single Jury List

Part 3: Addition of Sources & Enhanced NCOA Process

Part 4: Direct Collection of Voluntary Juror Demographic Information

New In-House Jury System

New Jersey is currently shifting from a vendor-based system to an in-house jury system.

Our in-house system will continue to provide an integrated system for a summoned juror to qualify online, request deferrals and excusals, and send and receive messages with the courts.

New In-House Jury System

The new in-house system also will be much more secure – including with encryption of private data.

This will enable direct collection of juror demographic information in a way that maintains confidentiality.

It will also support cross-referencing with other Judiciary systems to confirm the accuracy of juror addresses as part of the annual sort-merge to create the single list.

Recommendations

Courts should ensure system integrity, whether using a vendor-based or in-house system.

There is no single model that works for all courts.

Any option should be cost-appropriate taking into consideration the population, technological resources, and funds available.

Current New Jersey Process

New Jersey already uses a detailed algorithm to prioritize the most reliable and up-to-date record for the jury list.

The iterative process also identifies and eliminates duplicates, erring on the side of inclusion to avoid inadvertent removal of an eligible juror.

The list is created annually with interim updates through the National Change of Address (NCOA) registry.

Upcoming Enhancements

In addition to records of licensed drivers, registered voters, and filers of state taxes, New Jersey will be adding a new list -- records from the Department of Labor -- to ensure inclusion of prospective jurors not represented on the other lists.

We are also exploring higher quality NCOA options to improve the updates between creation of the annual lists.

Recommendations

Courts should work closely and on an ongoing basis with records custodians to ensure the most current data available.

Efforts should be made to formalize the data fields included in those records so that the creation and update of the single list yields the best outcome.

Maintenance of the list should be an ongoing process, not just something to address once per year.

Recommendations

Whether using a vendor or in-house system, try to cross-check against the death index to avoid summoning decedents.

One benefit of an in-house system is the ability to investigate and remedy errors when identified.

Select the right NCOA option for your court system.

Collection of Demographic Information

In 2021, the New Jersey Supreme Court convened a Judicial Conference on Jury Selection.

The Court in July 2022 authorized a package of reforms to improve the jury selection process, including to improve representativeness and reduce the effects of discrimination and bias at all phases.

Collection of Demographic Information

A central reform is the direct collection of voluntary juror information as to race and ethnicity (using Census categories), as well as gender (using the State's categories of male, female, and non-binary/undesigned).

New Jersey has started to collect this data at the point of juror qualification.

We are in the process of sharing aggregate demographic information for jury pools.

Recommendations

Collect at the point of qualification (to capture as many jurors as possible).

Decide in advance how information will be maintained confidentially and when/how it will be shared.

Overall -- Recommendations

Buy-in and support of highest leadership – Chief Judicial and Administrative Officer for the State or County – is the best way to improve jury processes.

The assembly of the single jury list is critical to ensuring the representativeness of jury pools and engaging all segments of the community.