

**Citizens Jury Project
Spring/Summer 2002 Report on Juror Concerns:
March 1, 2002-June 30, 2002**

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**Jane Eggers
Citizens Jury Project Director
A Project of the Fund for Modern Courts
351 West 54th Street
New York, NY 10019**

Preface

The Citizens Jury Project (CJP) was created in 1995 following the recommendation of the Jury Project, a blue-ribbon panel formed by New York State Chief Judge Judith S. Kaye to review and reform jury service in New York State. The CJP serves as an advocate for individual jurors in the courts, and strives to make systemic reforms that improve conditions for all jurors.

The Citizens Jury Project responds to ideas and concerns of jurors, and assesses the conditions of New York courts through our Ombudservice presence in the courts and ongoing data collection and analysis. The Ombudservice booths, staffed by interns—currently students from Colby College, New York Law School, New York University, Princeton University, and a post-graduate intern with a Masters in Organizational Psychology—are the in-court presence of the project. At these booths, which are located outside the jury assembly rooms at 60, 100, and 111 Centre Street in Manhattan, and inside the jury room of 360 Adams Street in Brooklyn, interns interview and assist jurors and gather the data presented in CJP reports.

Since the last Citizens Jury Project tri-annual report, support for the jury system has been clearly voiced by the Supreme Court, many other constituents of the legal community, and the general public. In *Ring v. Arizona*, 122 S. Ct. 2428 (2002), Justice Ruth Bader Ginsburg, writing for the majority, stated: “Capital defendants, no less than non-capital defendants, we conclude, are entitled to a jury determination of any fact on which the legislature conditions an increase in their maximum punishment.” For this right to remain strong it must be affirmed and consistently utilized: “The right to trial by jury guaranteed by the Sixth Amendment would be senselessly diminished if it encompassed the factfinding necessary to increase a defendant’s sentence by two years, but not the factfinding necessary to put him to death.” In concurrence, Justice Breyer noted:

In respect to retribution, jurors possess an important comparative advantage over judges. In principle, they are more attuned to “the community’s moral sensibility,” Spanziano, 468 U.S., at 481 (Stevens, J., concurring in part and dissenting in part), because they “reflect more accurately the composition and experiences of the community as a whole,” id., at 486. Hence they are more likely to “express the conscience of the community on the ultimate question of death,” Witherspoon v. Illinois, 391 U.S. 510, 519, 20 L. Ed. 2d 776, 88 S. Ct. 1770, 46 Ohio Op. 2d 368 (1968) [...].

Although *Ring v. Arizona* does not affect New York’s jurisprudence directly, it does reaffirm the importance of the jury as a right and an integral aspect of New York’s judicial system.

Recent cases illustrate that jurors often meet the challenges set before them as fact finders. In the highly-publicized Arthur Anderson criminal trial, the jury was

praised for asking a question regarding how intent of individuals can be ascribed to a partnership that “appeared to demonstrate a level of effort that would more likely be seen in a law school jurisprudence class rather than a jury of non-lawyers.”¹ Indeed, Stephen Ryan, a partner in the Washington firm Manatt Phelps & Phillips stated: “This jury should be working for a law professor, writing his final exams.”²

Given the weight of the Supreme Court decision, and the evidence that under proper conditions jurors fulfill their duty responsibly, with intelligence and insight, the process of questioning and addressing how to best administrate the jury system is crucial. In the Citizens Jury Project Winter 2002 report, we focused on summoning and the various related and underlying issues encompassed in the process. The focus of this report is jurors’ attunement to “the community’s moral sensibility” and how this strength can be utilized by the court system: the role of community in informing court administration and reform must continue to be expanded upon. Included in this report are 882 comments of 544 jurors interviewed by CJP from March 1, 2002 to June 30, 2002. These comments, and relevant research and demographic characteristics of Kings and New York County, will be presented as a way to better understand the issues jurors bring to the courts, and how the courts may respond. Vital functioning of the judicial system is dependent upon accessible, integrated courts, which are responsive to the ever-changing communities throughout the state.

The Citizens Jury Project is now well into its seventh year, and looks forward to continued collaborative efforts with the Office of Court Administration and courts throughout the state. Jury reform has markedly improved upon the administration of justice in New York, and jurors’ knowledge and perception of the judicial system. Continued improvements will allow our system to function effectively and foster representative participation, an intrinsic aspect of our legal system.

Steven M. Zeidman
Executive Director
The Fund for Modern Courts

Jane Eggers
Director
Citizens Jury Project

¹ KURT EICHENWALD, ANDERSON JURY STARTLES COURT WITH QUESTION, NEW YORK TIMES, C1 (JULY 14, (2002).

² *Id.*

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1. Manhattan & Brooklyn Juror Comments: An Overview

(A) Introduction

New York's responsive and pro-active approach to its jury system has created more comfortable and productive climates in both Manhattan and Brooklyn courts. New York jurors consistently share appreciative comments with the Citizens Jury Project regarding helpful clerks, physical improvements to the courthouses, and shorter terms of service. These improvements create a solid base from which further reform can be built, reforms that are suggested in jurors' more critical comments. New York jurors continue to comment upon employment and child and adult care burdens, wasted time in jury assembly or voir dire rooms, poorly maintained facilities, and a lack of amenities. Both positive and critical comments must continue to be heard and responded to, as legal reforms and courthouse improvements make jury service a valued process and foster trust and greater knowledge of the judicial system.

Margaret Mead once noted: "Never doubt that a small group of thoughtful, committed citizens can change the world: indeed, it's the only thing that ever has."³ Empowering individuals and inspiring community consciousness and actions are difficult tasks, but so also is the incorporation of individual rights and community consciousness into larger systems, such as the judicial system, which continually must use a wide yet focused lens. New York courts strive to incorporate the community in the work and design of the judicial system. The state's efforts are evidenced by the initiative to restructure the courts, by its strong support of community and problem-solving courts, and through the establishment of the Community Outreach Initiative, the Access to Justice Center, and the creation of resources such as the Justiceworks guide, which promotes access to basic and special court services. Indeed, the state's efforts are even evidenced by its continual support of the jury system, which, by design, brings community to the courts.

This report will draw off this premise and focus on the communities within Manhattan and Brooklyn and how jurors' comments reflect the "community conscience" and suggest positive reform that can be made in our courts. The first section of this report will provide a brief overview of research on juries as representatives of the community and present some demographic features of the communities within Manhattan and Brooklyn. The second section of the report will focus on jurors' comments collected from 60, 100, and 111 Centre Street and the 360 Adams Street courthouse, during the time period of March 1, 2002 to June 30, 2002. The report will summarize jurors' appreciative comments, and comments on the physical environments in all four courts, and then examine the court-specific positive and negative comments made by jurors, providing both a summary and highlights of the jurors' concerns. In order to integrate the voices of the communities into the report, juror comments have been carefully reviewed for this report, and representative quotes are

³ For information on the source of Margaret Mead's quote, please see the Institute for Intercultural Studies' *Margaret Mead Centennial 2001* website at: http://www.mead2001.org/faq_page.html#quote

included within this section of the text. At the conclusion of each court-specific section, recommendations will be provided, based on the comments received from jurors and the feedback from Citizens Jury Project interns, whose weekly presence in each court gives them objective, informed perspectives on the courts. Finally, this report will conclude with a summary of the recommendations provided throughout the report, which propose ways in which the Citizens Jury Project and the Office of Court Administration can better understand the issues faced by jurors and their communities, and take steps to address these concerns.

(B) Research on Juries as Representatives of Communities in the Courts

Research suggests that the idea that jurors bring community norms and values to the courts is not an idealization, but quite true.⁴ As Neil Vidmar notes: “Juries inject community values into the formal legal process, and thus can bring a sense of equity and fairness against the cold and mechanistic application of legal rules.”⁵ Indeed, it is now theorized that the very process of juror decision-making incorporates community values and norms:

Researchers have discovered that jurors attempt to arrange trial evidence in the form of a narrative or story. The narrative contains important events, action sequences, and presumed motives. Jurors fill in missing details to make the narrative more consistent and to make it fit with their world knowledge. Then they match the story to the available verdict categories to determine a verdict in the case.⁶

This finding reinforces the need for juries to represent an adequate cross-section of the community, so that minority and divergent narratives may be considered. It also suggests that the courts’ communication with and presence within the community may affect juror decision-making.

When discussing community representation within the jury system, it is important to acknowledge that although the need for a diverse, representative jury panel is now commonly accepted, this is a modern belief. The American jury has only recently become a mechanism that is inclusive and promotes the full participation of its citizenry. In 1986, the Supreme Court ruled that the systematic exclusion of Blacks from juries is a violation of the Equal Protection Clause of the Fourteenth Amendment, *Batson v. Kentucky*, 476 U.S. 79, 106 S. Ct. 1712. Discrimination in jury selection on the basis of gender was ruled unconstitutional less than ten years ago, in *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 114 S. Ct. 1419 (1994). And despite the recognition that the purposeful exclusion of minorities and women on a jury panel denies a defendant equal protection, societal design and forces continue to limit their full participation.

⁴ WALTER F. ABBOTT & JOHN BATT A HANDBOOK OF JURY RESEARCH, AMERICAN LAW INSTITUTE, ABA. (1999)

⁵ NEIL VIDMAR WORLD JURY SYSTEMS, OXFORD UNIVERSITY PRESS (2000).

⁶ ABBOTT & BATT, SUPRA NOTE 4, AT 3-14.

Steps that have been taken to promote community inclusiveness in the jury system in New York include ending the permanent qualified list and employment and age exemptions, and expanding the jury source lists to include registered voters, state taxpayers, licensed drivers, recipients of public assistance and state unemployment compensation. The answer to what future reforms are needed can be found in the communities themselves. The following brief demographic descriptions of New York and Kings counties and accompanying recommendations, will be utilized as a means to inform CJP court-specific findings presented in the second half of this report, and the report's concluding recommendations.

(C) Demographic Characteristics of New York and Kings County

It is impossible to encapsulate communities in a few paragraphs, but some general demographic characteristics can provide insights into strengths and needs of New York and Kings County, particularly if seen in comparison to each other.

(1) Population Density, Geography, and Housing

Based on US Census 2000 data, Kings County reported the largest population in the State, with approximately 2,465,326 inhabitants, while New York County's population is ranked third (below Kings and Queens Counties) at 1,537,195.⁷ Although New York County is less populated, it is more densely populated than Kings (66,940.10 per square mile compared to Kings' 34,916.6) and more than double the number of housing units (34,756.7 compared to Kings' 13,183.9).

New York is the most expensive urban area in the nation, and it is the expense of housing that accounts for its ranking.⁸ Not surprisingly, while both New York and Kings Counties fall under the state homeownership rate of 53%, New York is seven percentage points lower than Kings County, 20.1% and 27.1% respectively. New York County is also lower than the state average of persons per household in 2000: while the county reports 2.00 persons per household, the state reports 2.61. Kings County supercedes that state average at 2.75. One reason that Kings County reports an above average amount of residents per household is that a larger number of households in Kings county house children. 38.2% of households in Kings County house persons under 18, while the state average is 35%. More significantly, only 19.7% of the New York county households house children under 18. Specifically, the majority of New York County residents live in non-family households (59.1%), while a majority of Kings County residents live with families (66%).

⁷ Unless otherwise noted in the text, all demographic data can be found at the U.S. Census 2000 website: <http://www.census.gov/main/www/cen2000.html>

⁸ JULIE CLAIRE DIOP, CITY RANKS NO. 1 IN LIVING COSTS, NEWSDAY (MARCH 22, 2002). This ranking is based on an analysis and report by ACCRA, an economic and community development research organization.

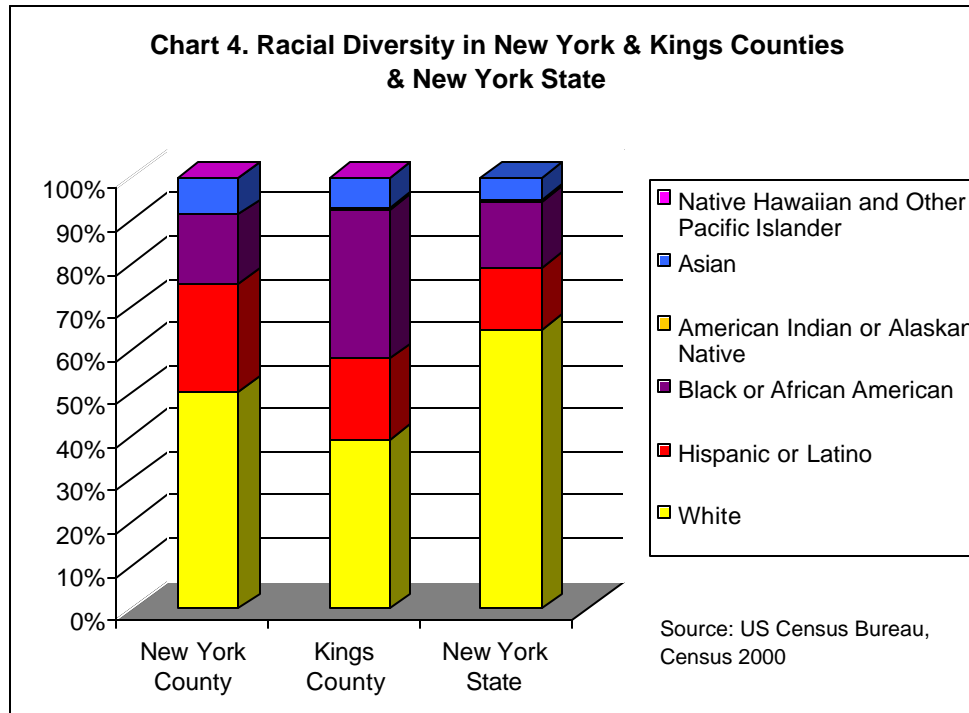
These figures have a number of implications for the jury system:

- The expense of housing and density of the population in New York County, combined with the small percentage of homeownership, suggests that employment concerns weigh heavy on the minds of jurors: their livelihood in the most expensive city in the nation depends on it.
- The lack of home-ownership in New York County implies a high turnover of citizens in the area. With many first-time jurors entering New York County courts on a daily basis, the need for clear, consistent public and in-court education is evident.
- As housing costs are the single largest expenditure on a child⁹, across income groups, family life in New York County is an economic strain, particularly for middle- and low-income families. Jury service, which requires time away from work and families, can seriously impact New York County residents economically.
- Since the majority of the households in King's County are family households, child and adult care are primary concerns that may inhibit citizens' ability to serve in Kings County.
- Family and employment concerns must be a focus of future jury reform.

(2) The Composition of the Populations of New York and Kings County

The Census Bureau reports that approximately one in five (20.4%) New York State residents are born outside of the United States and that the percentage of all racial groups, except for Caucasians, exceeds the national average. This diversity is most clearly reflected in the New York's urban environments, such as New York City and Brooklyn, both of which exhibit greater diversity than New York State, with Kings County clearly exhibiting the greatest diversity in its population (See Chart 4 below). In New York County, Hispanic/Latino individuals comprise the second largest population (27.2% compared to 54.4% White), while in Kings County, Black/African Americans are the second largest population (36.4% compared to 41.2%). The percentage of White persons decreases further when factoring in the response of another census question: the percentage of white persons not of Hispanic/Latino origin. In New York County, the percentage of non-Hispanic White persons is 45.8%, and in Kings County, only 34.7%.

⁹ UNITED STATES DEPARTMENT OF AGRICULTURE, EXPENDITURE ON CHILDREN BY FAMILIES (2001)
Available at www.usda.gov/cnpp



The communities within New York and Kings Counties are strengthened by the diversity of their people. Effective communication with diverse populations within the communities is central to creating an accessible justice system and obtaining representative jury pools and panels.

The languages spoken in the homes of New York State residents reflect the diversity brought to the communities. 28% of our population speaks a native language other than English and 13% of this group speaks English “less than very well.”

Languages Spoken in New York & Facility with English	
English only	72%
Languages other than English	28%
Speak English less than “very well”	13%
Spanish	13.6%
Speak English less than “very well”	6.7%
Other Indo-European languages	9.3%
Speak English less than “very well”	3.7%
Asian and Pacific Island languages	3.8%
Speak English less than “very well”	2.2%
Source: US Bureau of Census, Census 2000	

As the table above illustrates, Spanish is the most predominant language, other than English, spoken in New York. Spanish-speakers also comprise the majority of non-English speakers: approximately one-half of those who speak English “less than very well.” The prominence of Hispanic/Latino, Spanish-speaking individuals in New York reflects a national trend. The Census Bureau reports that the Hispanic population increased 57.9% from 1990 to 2000, whereas the total US population increased only 13.2%.¹⁰

The composition and social characteristics of New York’s population have a number of implications for the jury system:

- o Multi-lingual communication between the court system, jurors, and other court users will promote inclusion and access to justice. Although jurors must only “understand and communicate” in English,¹¹ not read or write in English, no written or online court information is provided in a language other than English. In order to lessen the hardship that non-English speakers and readers face in and outside of the courts, multi-lingual court information should be readily available.
- o The growth in the Hispanic/Latino population, both in New York State and nationally, indicates that court outreach in Spanish is pivotal, and that establishing multi-lingual resources now will eliminate future individual and administrative burdens.

(3) Social and Economic Differences Across Groups

Census 2000 found that the per capita personal income of New York County is 308% of the United States per capita personal income, while King’s County per capital personal income is 82% of the national average. Or, to look at it another way, the US Department of Commerce reports the per capita personal income in terms of dollars in New York County is \$90,901, while only \$24,111 in Kings County.¹² Meanwhile, the percentage of people living below the poverty line in New York County (20.7%) is higher than the state (15.6%) and national (13.3%) levels. This is particularly the case for children below the poverty line living in New York County (38.4%), when compared to the State (24.7%) and National (19.9%) levels. Further, the gap in per capita personal income between New York and Kings Counties is not reflected in the percentage of people living below the poverty line (New York County 20.7%, Kings County 26.5%). The difference in the percentage of children living below the poverty line in New York County (38.4%) is

¹⁰ UNITED STATES CENSUS BUREAU, THE HISPANIC POPULATION, CENSUS 2000 BRIEF (2001).

¹¹ NEW YORK STATE CONSOLIDATED LAWS, SELECTION OF JURORS: ARTICLE XVI, § 510.

¹² BUREAU OF ECONOMIC ANALYSIS: REGIONAL ACCOUNTS DATA (2000). Available at: www.bea.doc.gov/bea/regional/reis/drill.cfm

minute compared to that of King's County (39.7%) particularly in light of the aforementioned finding that 38.2% of the households in Kings County house children under the age of 18 while in New York County, only 19.7% of the households house children under the age of 18.

The general decline in the national poverty rate from 1993 into 2000 is also apparent in New York, but the gains were not felt across all groups. While the Hispanic/Latino poverty rate continues to decline, and has now reached the level of non-Hispanic Blacks, the poverty rate of non-Hispanic Blacks, has risen. During 1988-1989 to 1999-2000, non-Hispanic Blacks averaged a poverty rate 2.5 times that of non-Hispanic Whites. Although this Black/White disparity declined nationally, it rose in New York City, from 15.3 to 17.3 percentage points.¹³ In the context of this growing inequality, it is relevant to note that research suggests that African-Americans' distrust in the system outweighs that of other racial groups, a finding that will be discussed in more detail in section 7.¹⁴

These social and economic issues in New York and Kings County have a number of implications for the jury system:

- Severe financial hardship is an issue in New York City, although the per capita personal income is 308% of the national average. This suggests that New York County's jury system must address a wide-variety of juror concerns and conduct public outreach that crosses economic groups.
- The high child poverty rates in New York and Kings County suggest that providing in-court child care services for jurors would improve the representation of caretakers and low-income individuals on jury panels.
- Multilingual court information for the general public will promote the inclusion of minorities and low-income populations, as minorities in the counties and state of New York face higher poverty rates than Caucasians.
- Court outreach must particularly target groups such as African Americans and non-English speakers, who express the most distrust in the system, and who report and are perceived to receive the worst treatment in the courts. See section 7 for more information.
- Addressing employment concerns in the courts entails creating environments and providing amenities in the juror assembly rooms that are conducive to employment-related activities, such as internet access. Concurrently, the court must address employment concerns outside of the facilities. Public outreach to the unemployed and to

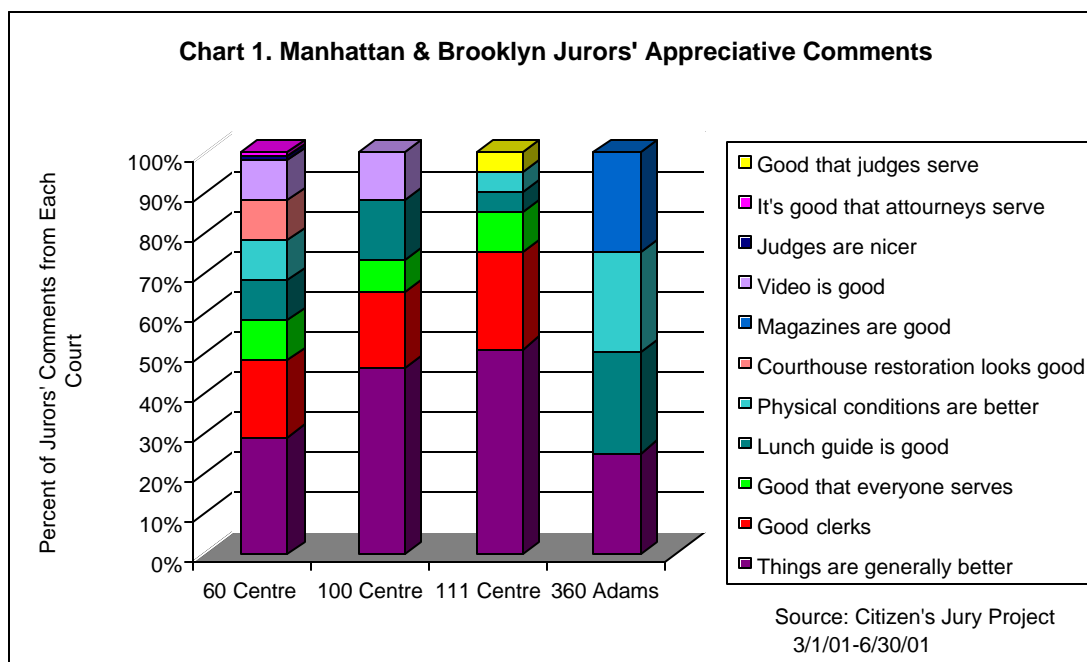
¹³ COMMUNITY SERVICE SOCIETY OF NEW YORK, POVERTY IN NEW YORK CITY, 2000: HISPANICS MAKE DRAMATIC GAINS, FOR BLACKS IT'S BUSINESS AS USUAL (2001). Available at: www.cssny.org/reports/databrief/databrief09_26_01.html

¹⁴ ROBERT G. BOATRIGHT, IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES, AMERICAN JUDICATURE SOCIETY (1998). Relevant research is also cited in section 7.

employers throughout New York City and Brooklyn, particularly those who pay on hourly basis, is essential to promote juror diversity and, as will be discussed in sec. 7, can be facilitated by the Department of Labor, and other state departments and organizations.

(D) Appreciative comments

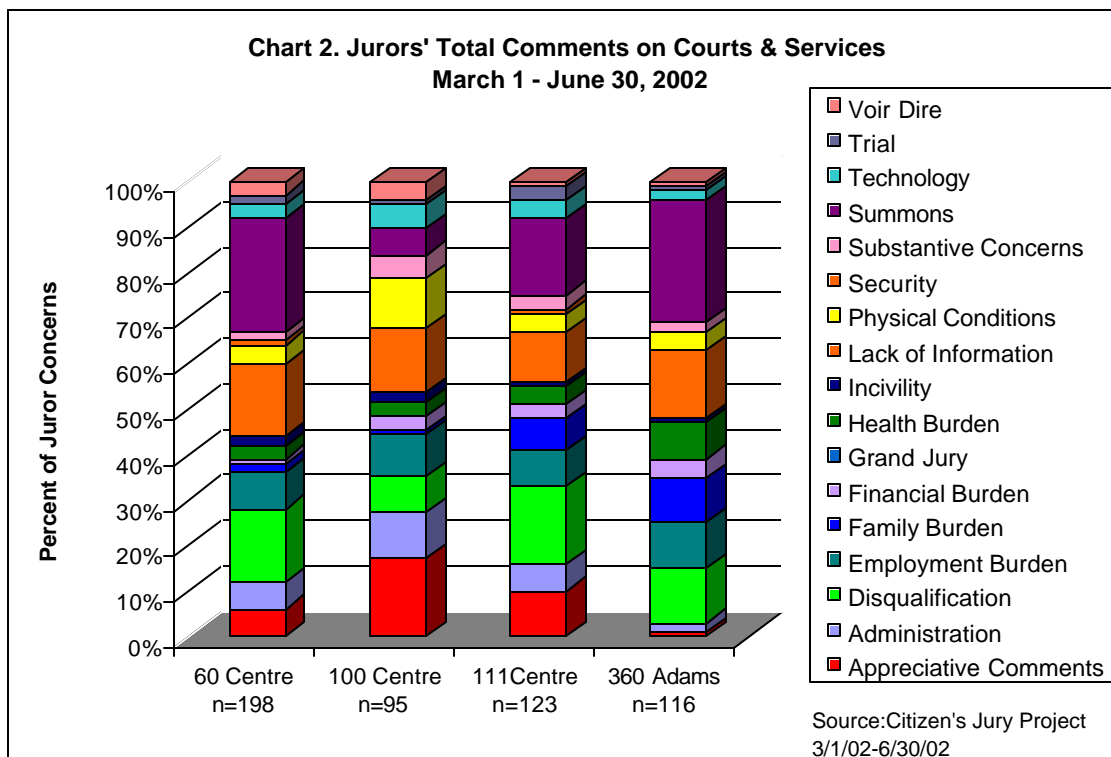
The demographic characteristics of New York and Kings Counties are reflected in jurors' positive and negative comments in regard to court facilities and processes. Jurors' appreciative comments are also reflective of the positive jury reforms that have been implemented in New York, and court administrators and staff's continual efforts to improve the courts. Jurors in the Manhattan and Brooklyn courts continue to acknowledge and appreciate improvements made in the courts, and courteous and professional judges and clerks (Chart 1). Consistent with the last CJP tri-annual report, the majority of jurors who voiced appreciative comments felt that "things are generally better" (purple). "Good clerks" (red) were also clearly appreciated in the Manhattan courts. Many jurors noted that it is "good that everyone serves" (red) and took notice of the improvement upon the physical conditions in both Manhattan and Brooklyn courts (teal).



(E) All juror comments

Jurors' insightfulness in regard to the courts and court processes is evident in both their positive and more critical comments. Consistent with the 2001 tri-annual reports, jurors expressed criticism of summoning procedures (dark purple), lack of information (orange) and, as will be discussed in section 6, disqualifications (forest green). Comments on poor physical conditions within the courts (yellow) and the stress that service puts on jurors' lives outside of the

courts, such as employment (bright green), family (bright blue), and health burdens (dark green), were also common.



(F) Physical Environment

The American Bar Association's Standard 14: Jury Facilities establishes the following guidelines:

- Courts should provide an adequate and suitable environment for jurors.
- (a) The entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
 - (b) Jurors should be accommodated in pleasant waiting facilities furnished with suitable amenities
 - (c) Jury deliberation rooms should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
 - (d) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.¹⁵

In the comments accompanying these standards, the ABA notes: "Adequate facilities play an integral part in the realization of a well managed, efficient jury system. [...] Poor spatial arrangement and unsatisfactory environmental conditions in addition to inadequate facilities can reduce the efficiency of operations. " Adequate facilities also effect substantive concerns: "Inadequate attention to the accessibility of courthouse facilities can reduce the representativeness of the jury pool by, in effect, excluding many otherwise

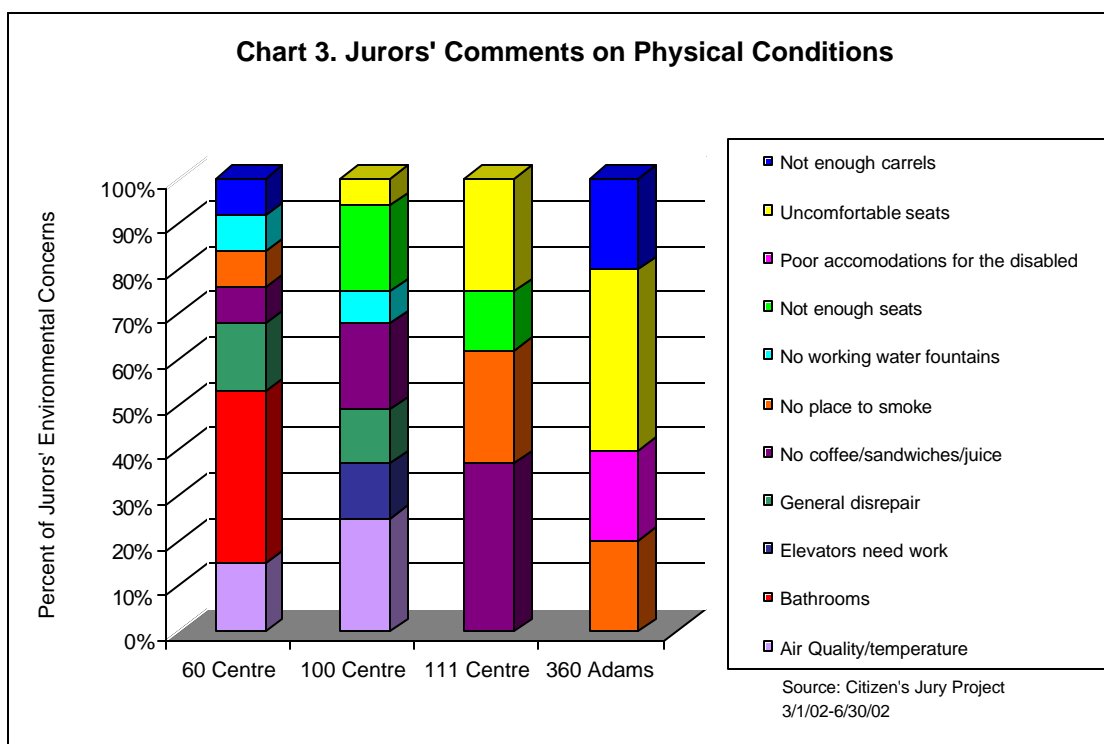
¹⁵ AMERICAN BAR ASSOCIATION, STANDARDS RELATED TO JURY USE AND MANAGEMENT 126 (1998).

eligible persons are impaired.” And court procedures are facilitated: an adequate and suitable environment for jurors is needed “not only to allow them to wait in comfort and dignity but also to orient them to the trial process, to carry out administrative details, and to properly accommodate the movements, voir dire, and selection process in trial proceedings.”¹⁶

OCA has taken measurable steps to improve court environments throughout the state by refurbishing the courts and improving the maintenance of court facilities. As safety has become of greater concern to the communities in New York, measures to improve security have also been employed. Equally important, OCA consistently surveys jurors in the courts, and has recently allowed the Citizens Jury Project to begin surveying jurors on court facilities throughout the state. Surveying allows jurors’ needs to be more accurately understood and responded to in a timely manner.

Jurors’ responses to the physical conditions in Manhattan and Brooklyn courts illustrate common problems in court facilities, but also court-specific issues. Seating was a common concern at 360 Adams and 100 and 111 Centre. In these courthouses, jurors complained about uncomfortable seating (yellow) and at 100 and 111 Centre jurors noted that there are not enough seats in the jury assembly rooms (bright green). Jurors at 60 and 100 Centre also voiced their concern about the air quality and temperature of the facilities (lilac), and the lack of working water fountains (bright aqua), both of which are consistent concerns for jurors, particularly in the summer months. Court-specific comments include: a need for better bathroom signage and maintenance at 60 Centre (bright red), a need to repair the elevators at 100 Centre (dark blue), a need for more accessible coffee, sandwiches and juice at 111 Centre (dark purple), and a need to continue to improve the accommodations for people with disabilities at 360 Adams (bright pink).

¹⁶ *Id.*



2. 60 Centre Street

(A) Summary of juror concerns

60 Centre Street is the busiest courthouse in the nation, yet the courteous and professional staff and its museum-like appearance guise the volume of cases and people who utilize the building. Indeed, the staff and physical environment at 60 Centre comprise three of the top five appreciative comments and none of the top ten critical concerns at 60 Centre collected from March 1 to June 30, 2002.

“Lack of information” tops the list of critical concerns at 60 Centre, while summoning is the most predominant category in the critical concerns. Four of the ten most critical concerns centered on summoning, including: Would like a postponement/deferral, disproportionate summoning, problems with name or address, and summoned w/in two years of prior service. Frequently, lack of information and summoning issues intersect, as is illustrated in the following juror comment:

“I received a letter with a questionnaire. It says in big letters on the top, juror summons failure to respond. Then it goes on to say that I must come down to the division of jurors. The problem is that they had the wrong address for me. That is why I never responded to the first questionnaires. Can I just mail this in or do I really have to go?” (4/8/02)

Jurors also expressed critical concerns related to their lives outside the courts. The elderly and jurors with health issues voiced their concerns, as did students seeking exemption from service.

Top Juror Concerns—60 Centre Street 3/01/02 – 6/30/02 (Total Concerns = 347)	
Top 5 Appreciative Concerns	Count
Things are generally better	6
Good clerks	4
Courthouse restorations look good	2
Good that everyone serves	2
Physical conditions are better	2
Top 10 Critical Concerns	Count
Lack of information/incorrect information	46
Would like a postponement/deferral	39
Problems with name or address	14
Disproportionate summoning	10
Medical problem/old age	10
In non-compliance	10
Summoned w/in two years of prior service	8
Student feels entitled to an exemption	8
Needed information ahead of time	7
Wasted time	7

(B) Breakdown of juror concerns

Jurors clearly praise the physical conditions at 60 Centre, yet certain issues regarding the physical environment persist. Congruent with past reports on the physical conditions at 60 Centre, the bathrooms continue to concern jurors.¹⁷ With over 200 jurors present in the jury assembly room on a daily basis, the maintenance of the bathrooms is unquestionably difficult, yet jurors' comments indicate that this issue must be addressed:

“Someone has got to get this ladies room cleaner. It’s the most disgusting room I’ve been in years, really traumatic. Also, there’s no paper or paper towels.” (6/11/02)

“The bathrooms are a disgrace. I live here and I pay taxes.” (6/10/02)

¹⁷ In the 60 Centre Street Court Facilities Assessment, a report based on 411 court facilities surveys, bathrooms received the poorest ratings of all court areas assessed in the CJP survey. Additionally, jurors provided more written comments in regard to the bathrooms than any other category: 64 of the 182 written comments addressed bathrooms. To read the report, please visit: <http://www.juryproject.org/reports.html>

The women’s restroom is really small. There are only a few stalls and one is broken. The bathrooms are in disrepair and dirty.” (6/10/02)

Other persistent issues include the air quality and temperature, the general disrepair of the building, and the lack of working water fountains. In the month of June, CJP interns reported that during the juror morning orientation, clerks often mentioned that only one cleaning person is present to maintain the facility, which was said to account for the general dirt and disrepair. Beyond the impropriety of this comment, the lack of cleaning staff is disconcerting, particularly because OCA has reported that a larger number of cleaning staff have been assigned to 60 Centre. CJP recommends that OCA and 60 Centre staff pursue the reasons behind this gap in service and remedy it swiftly.

On the 20th of June, the Citizen Jury Project received one comment about the deliberation room 228. This comment is noteworthy due to the severity of the complaint and the fact that CJP usually does not receive comments on the deliberation rooms because the CJP booth is located on a different floor than this deliberation room. The juror who made the following comment had to go out of his way to speak with a CJP intern:

“In jury deliberation room 228 the table is filthy and covered with dust. One lady had an allergic reaction because it was so dusty. The room should have air conditioning and a working water fountain.” (6/20/02)

This comment suggests that the deliberation rooms are areas in need of attention and that all areas of the courthouse that jurors use should be adequately cleaned and maintained, so that jurors minds may rest on their work, not on the facilities.

60 Centre: Physical Conditions	Count
Bathrooms	5
Air temperature/quality	2
General disrepair	2
No working water fountains	2
Not enough work carrels	1
Dirty deliberation room	1

Consistent with past reports, jurors’ summoning concerns most frequently center on a need to postpone or defer their service. There are multifarious reasons for the need to postpone, often related to jurors’ lives in their communities. While continuing to streamline the summoning process will address issues such as receiving a summons within two years of their prior service, community concerns must be simultaneously addressed.

60 Centre: Summoning	Count
Would like a postponement/deferral	39
Problems with name or address	14
Disproportionate summoning	10
In non-compliance	10
Summoned w/in two years of prior service	8
Unreadable summons	2

As mentioned earlier, “lack of information” was the most frequently voiced concern at 60 Centre. Jurors commented on a lack of information/incorrect information, a need for information prior to service, and a need for directions to the courthouse.

More specifically, comments in the “lack of information” category ranged from questions about the qualifications to serve and how to notify the court of a change of address, to problems with the clarity of the summonses:

“The directions and instructions on the non-compliance form were quite unclear.” (5/4/02)

“I received a "must serve" grand jury notice that says I'm to report at 2:00 p.m. on May 20th. It also says additional grand jury #1. Does this mean that I have empanelled already and chosen for a particular grand jury?” (4/27/02)

Jurors’ comments also suggest that it is essential to give clear instructions about where to report once jurors are selected. For example, a juror approached CJP and complained that the jury panel he served on was given inadequate instructions about where to report. He stressed:

"We've (the jury) been pushed around all over the place...I'm so confused." (6/13)

Under the category of “needed information ahead of time”, some jurors suggested that the juror hotline could provide updated information about the courts to save the jurors and courts time:

“Waiting in security line took 20 minutes. The court should revise the jury hotline to advise jurors to come early in order to allow time for security. It will expedite the security process.” (6/6/02)

One question that is asked too frequently to include in the data is “where is the location of the women’s restroom?” Interns typically assist up to 10 to 15 jurors a day with this question that, as suggested in previous reports, could be ameliorated with proper signage. The issue of signage for the restrooms, particularly the women’s restroom is not a question of the quantity of the signs, but their placement. Although four signs are hung on and around the women’s

restroom, the only sign directing women in or around the assembly room to the restroom is a small, folded paper sign outside of the assembly room. The CJP recommends replacing this paper sign with proper signage and making a thoughtful assessment of what passages are used to access restrooms, and posting clear signage in these areas.

60 Centre: Lack of Information	Count
Lack of information/incorrect information	46
Needed information ahead of time	7
Needed directions to the court house	1

The pace of New Yorkers’ lifestyles, coupled with their employment and personal responsibilities, make time a precious commodity for jurors in New York County. Jurors at 60 Centre most frequently commented that their time is wasted during jury service and suggested that there is a need for service to be more flexible/accommodating. Some jurors felt that jury service required too much of their time, while others noted that the process does not start on time.

60 Centre: Administration	Count
Wasted time	7
Service should be more flexible/accommodating	5
Service is too long	5
Process does not start on time	3

Jurors at 60 Centre expressed some dismay over the employment burden caused by jury service. Students and self-employed individuals were most vocal about the burden that service puts on their work, though lawyers, doctors, and teachers also acknowledged employment conflicts and burdens. Jurors in professions with pressing time constraints may be particularly affected by jury service:

“There should be exemptions for physicians who deal with specific diseases such as cancer. I am a cancer surgeon and have many cancer patients awaiting surgery, but their dates can not be set yet.”

The financial burden that service puts on jurors is a less frequently expressed concern at 60 Centre. Indeed, with the wide-range of income levels in Manhattan, the fact that only two jurors commented on financial hardship is troubling, and suggests a need for greater outreach to low-income communities.

60 Centre: Financial/Employment Burden	Count
Students feels entitled to an exemption	8
Self-employed people should be exempt	4
Very disruptive to my work	4
Am losing major work assignments	3
Lawyers should be exempt	3
Financial hardship	2

My students will suffer	2
Doctors should be exempt	1

One way in which the court can address the employment burden that many jurors face is by improving technology in the courts, so that jurors can work and communicate with their places of employment. Currently, one modem port is located in the hallway leading to the juror assembly room on the fourth floor. This device works sporadically, eliciting juror complaints and causing the court to have to call for repair and maintenance. Although internet may seem to be a luxury item in a number of New York courthouses, many Manhattan jurors see internet access as essential as their morning cup of coffee. Internet access in the jury assembly room can lessen employment burdens and the amount of jurors who find service to be a waste of time.¹⁸

60 Centre: Technology	Count
Improve technology	6
Video is bad	3
Need phone lines for computers	2
Should have a call-in system	1

Family and health concerns often intersect with employment, time, and financial concerns. Individuals who are care takers for children, people with disabilities, and the elderly report that jury service is burdensome, as other peoples' lives are dependent upon them. Service is particularly difficult for low-income individuals who lack the financial resources to pay for child or adult care and generally face greater health burdens and access to care.¹⁹

60 Centre: Family/Health Burden	Count
Medical problem/old age	10
Elder/child care	5
Need to pick up children	2
Elderly should not have to serve	2

(C) Recommendations

1. Physical Environment:
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Repair water fountains so that they consistently function properly. Additional steps that can be taken include: installing

¹⁸ As noted in the 60 Centre Street Facilities Assessment, New York is not alone in trying to accommodate tech-savvy jurors who need to work while they wait. In May of this year, the Orange County Supreme Court of California equipped its assembly room with 24 carrels with modem connections (Los Angeles Times, May 14, 2002).

¹⁹ See, for example: DIVISION OF HEALTH CARE SERVICES (HCS) & INSTITUTE OF MEDICINE, *CARE WITHOUT COVERAGE: TOO LITTLE, TOO LATE* (2002). Available at: <http://www.nap.edu/books/0309083435/html/>

a new water fountain in an area frequently used by jurors, and ensuring that the vending machines and coffee stand are consistently stocked with bottled water.

- Maintain an adequate number of cleaning staff throughout the building.
- Be mindful of the cleanliness and maintenance of all areas of the courthouse that the jurors utilize. Unkempt facilities inhibit jurors in their work, and tarnish their perceptions of the court system.
- Work with CJP and the Office of Court Administration to devise ways in which to address child care issues in the court. Instead of addressing child care issues through dismissal, providing information to caretakers or providing child care for jurors in a neighboring court will promote more representative juries. This may be particularly beneficial to individuals with lower incomes who, living in the most expensive city in the nation, often face multiple burdens that inhibit their ability to serve.

2. Summoning:

- List on the summons, in the section entitled “postponements and excusals”, that jurors who seek postponements and excusals should call (212) 748-5300 if it is their first postponement, or report to room 139 at 60 Centre Street for any subsequent postponements. Although this information is currently listed in a different section of the summons, CJP believes that mentioning this information in the “postponement and excusal” section will lessen the juror confusion that we encounter daily in Manhattan courts.

3. Lack of Information:

- Improve signage for the women’s bathrooms. As previously noted, CJP consistently receives comments on the need to post clear signs for the bathrooms. Upon inspection, CJP interns have found that it is not the quantity but placement of the signs. Clearly posted signs in the hallway leading to the central jury room are needed.
- Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel.

4. Administration

- Address non-English speakers in the morning orientation. CJP interns have noted that while clerks at 360 Adams in Brooklyn inform non-English speakers where to go and with whom to speak with if they cannot serve, non-English speakers are not addressed in Manhattan courts. This is particularly striking at 60 Centre, where jurors with language issues just need to be

told to go downstairs to room 139 to get assessed in an interview. (See section 6 for more information.)

5. Technology/Communications:
 - Consider the possibility of providing modem outlets for jurors in the assembly room, juror lounge, and/or hallway. CJP interns are currently in touch with companies that can provide online services. Once CJP has made a careful assessment of the possible service options, we will present this information to the appropriate court officials. Support of this endeavor will allow jurors to work while they wait and will lessen jurors' employment burdens.
 - Update the juror assistance numbers to reflect current information about the courts, such as the holiday schedules and peak periods of waiting time in the security lines.

3. 100 Centre Street

(A) Summary of juror concerns

Jurors at 100 Centre were quick to note, "things are generally better" and continue to praise friendly, professional clerks and court officers. Two first-time jurors remarked:

"You know, I thought that it would be like the DMV, but jury service here is pretty good." (6/19/02)

"It's good. It's my first time serving. It was very informative and well explained. Even the jury room [assembly room] is air conditioned."
(6/27/02)

As was the case at 60 Centre, "lack of Information" was the critical concern most frequently noted by jurors. Jurors also commented on how service affects their busy lives. Three of the top ten critical concerns centered on employment issues, including: "very disruptive to my work," "am losing major work assignments", and "concern of unhappiness of employer." Jurors also noted that a medical problem, old age, religious or personal objections hindered their ability to serve. Jurors' critical comments suggest that possibly addressing administrative concerns such as "wasted time" and "lack of information" could lessen the burden of service and improve jurors' experiences in the court.

Top Juror Concerns—100 Centre Street	
3/1/02-6/30/02	
(Total Concerns = 149)	
Top 5 Appreciative Concerns	Count
Things are generally better	12
Good clerks	5
Lunch guide is good	4
Video is good	3

Good that everyone serves	2
Top 10 Critical Concerns	Count
Lack of information/incorrect information	17
Wasted time	9
Very disruptive to my work	6
Would like a postponement/deferral	5
Service should be more flexible/accommodating	4
Air quality/temperature	4
Am losing major work assignments	4
Medical problem/old age	4
Religious/personal objection	4
Elevators need to work	2

(B) Breakdown of juror concerns

The air quality/temperature was reported as the primary physical concern of jurors at 100 Centre. This is particularly a concern in the hallways on the 15th floor that are hot and stuffy, due to the lack of air-conditioning or fans. Jurors also expressed a need for more accessible coffee, sandwiches and juice. Jurors noted that the courtrooms and assembly room can be quite crowded, and that there was a need for more seats. The most pressing issue that jurors continue to complain about is that the elevators persistently malfunction. For example, one juror reported:

“I just got stuck in the elevator at the 11th floor, it was scary.” (6/20/02)

Citizens Jury Project interns, who are present in the court on a weekly basis, consistently report problems with the elevators, such as elevators stopping in the middle of floors, skipping floors though the button is pushed, and the elevator doors opening although the car is not level with the floor it has stopped at.

Although technically two days outside of the time frame of this report, on July 2, the elevators stopped working around 9:30AM and were not repaired for approximately 25 minutes. Luckily, no one was injured from the elevators malfunctioning, but certainly jurors were quite annoyed. One juror, for example, complained that the elevators made her too late to serve, though she arrived at the court on time. In addition to the inconvenience of malfunctioning machinery, elevators have the potential to be a serious health and safety risk. This issue must be addressed.

Jurors at 100 Centre also expressed a need for accessible coffee, food, and juice. Currently, CJP, court officials and the Commission for the Blind and Visually Handicapped (who services the coffee booth at 60 Centre) have a meeting scheduled to discuss the possibility of a coffee stand similar to that at 60 Centre, for both the 100 and 111 street courthouses.

100 Centre: Physical Conditions	Count
Air quality/temperature	4
No coffee/sandwiches/juice	3
Not enough seats	3
Elevators need to work	2
General disrepair	2

The majority of summoning comments at 100 Centre were from jurors seeking a postponement/deferral. Some jurors also expressed concern about being summoned disproportionately. A comment made by one juror at 100 Centre parallels a summoning recommendation in the past CJP trimester report:

“The written summons does not stress the fact that there is a 3 day/1 trial minimum of service. It is written in very small type and would be helpful to know.” (6/18/02)

100 Centre: Summoning	Count
Would like a postponement/deferral	5
Disproportionate summoning	2
In non-compliance	1
Unreadable summons	1

Jurors who commented on lack of information at 100 Centre asked procedural questions about serving, such as:

“Is jury note-taking allowed? Are jurors allowed to ask the judge during deliberations about matters of law? (6/18/02)

Jurors also expressed that there was a lack of information about where to go if they arrived late or missed a day, or believe that they may be disqualified from service.

100 Centre: Lack of Information	Count
Lack of Information/incorrect information	17
Needed information ahead of time	3

In regard to administrative concerns, jurors at 100 Centre commented on wasted time and that service should be more flexible/accommodating. Jurors also suggested that improving technology in the courts could improve the experience for jurors by increasing their ability to work and communicate with people outside of the courts. One juror suggested that technology should be used to assist those who may not understand and comprehend English well enough to serve.

“I think there are a lot of Spanish people who don't speak English. Maybe they should have headphone translations to help some of them. I am Spanish and speak very little English. Then we will all be happy as jurors. It is very important to understand the case.” (5/28/02)

Although this juror’s proposal would be a costly endeavor, the use of technology to assist non-English speakers is an important suggestion, and will be discussed further in section 6, which addresses disqualified jurors.

100 Centre: Administration/Technology	Count
Wasted time	9
Service should be more flexible/accommodating	4
Improve technology	3
Should have call-in system	2
Not enough cases for jurors	1

Consistent with the 60 Centre comments, financial concerns are veritably absent from the comments collected during the four month time period of this report. However, it is evident that related concerns, employment burdens, weigh on the minds of jurors at 100 Centre. Jurors noted that service is “very disruptive to my work,” that self-employed people should be exempt, and that their business may suffer as a result of service. Jurors also mentioned their concern about the unhappiness of their employers:

“The fact is, my employer wanted me to postpone jury duty. He wasn’t too happy about me missing work to come here due to the fact that I started this job on April 19, 2002 and will be on probation for six months. I will be paid with punishment and they’ll probably extend my probation for six months. I’m not happiness with this at all!” (6/13/02)

100 Centre: Financial/Employment Burden	Count
Very disruptive to my work	6
Concern of unhappiness of employer	3
Self-employed people should be exempt	3
Financial hardship	1
My business will suffer	1
Severe financial hardship	1

The elderly and people with health concerns comprised the majority of jurors who provided comments in the category “family/health burden.” Caretakers of children, the elderly, and people with disabilities also voiced concern. Although CJP typically hears from caretakers who have familial ties to those they care for, the following juror’s comments illustrate the fact that even those who are professional caretakers face scheduling conflicts in relation to service:

“...[O]nce a week I do some work with a child and I am not sure what to do. I have to pick him up at three. What if I can’t pick up this child? I would like to serve, but don’t know what to do.” (6/17/02)

100 Centre: Family/Health Burden	
Medical problem/old age	4
Need to pick up children	1
Elder/child care	1

(C) Recommendations

1. Physical Environment:
 - Repair or replace the elevators. Jurors and the CJP interns have consistently voiced concern over the elevators at 100 Centre. Concerns include:
 - Consistently unusable elevators, which create overcrowding on and long waiting time for usable elevators;
 - Malfunction on usable elevators, such as jerking movements while the elevator travels up and down, elevators stopping at floors not requested, or not stopping level to the floor, which can cause particular hardship for jurors with physical disabilities.
 - Collaborate with the CJP and the Commission for the Blind and Visually Handicapped in our efforts to devise a way to provide coffee stands for jurors that would be located outside of the jury assembly rooms. Since the CJP’s inception, jurors at 100 Centre have consistently requested more accessible coffee and food.
 - Work with CJP and the Office of Court Administration to devise ways to address jurors’ child care issues in the court. Instead of addressing child care issues through dismissal, providing information to caretakers or providing child care for jurors in a neighboring court will promote more representative juries. This may be particularly beneficial to individuals with lower incomes who, living in the most expensive city in the nation, often face multiple burdens that inhibit their ability to serve.
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Repair water fountains so that they consistently function properly.
 - Ventilate the hallways with either air conditioning or fans. The temperature of the hallways is unbearable in the summer months.
 - Reconstruct the door to the women’s bathroom in the jury room so that it is accessible for people with disabilities

2. Summoning:
 - List on the summons, in the section entitled “postponements and excusals”, that jurors who seek postponements and excusals should call (212) 748-5300 if it is their first

postponement, or report to room 139 at 60 Centre Street for any subsequent postponements. Although this information is currently listed in a different section of the summons, CJP believes that mentioning this information in the “postponement and excusal” section will lessen the juror confusion that we encounter daily in Manhattan courts.

3. Administration

- Address non-English speakers in the morning orientation. CJP interns have noted that while clerks at 360 Adams in Brooklyn inform non-English speakers where to go and with whom to speak with if they cannot serve, non-English speakers are not addressed in Manhattan courts. (See section 6 for more information.)

4. Technology:

- Consider the possibility of providing modem outlets for jurors in the assembly room, juror lounge, and/or hallway. CJP interns are currently in touch with companies that can provide online services. Once CJP has made a careful assessment of the possible service options, we will present this information to the appropriate court officials. Support of this endeavor will allow jurors to work while they wait and will lessen jurors’ employment burdens.
- Update the juror assistance numbers to reflect current information about the courts, such as the holiday schedules and peak periods of waiting time in the security lines.

4. 111 Centre Street

(A) Summary of juror concerns

Jurors at 111 Centre recognize that “things are generally better” and that professional and courteous clerks are one reason service has improved. As one juror gushingly noted:

“The ladies (clerks) here are very lovely and helpful...Everyone today has been extremely helpful and pleasant.” (6/17/02)

Jurors’ personal concerns in relation to service made up a larger percentage of the jurors’ critical concerns at 111 Centre than at any of the other Manhattan courts. Jurors stated that service impeded their work as caretakers, that service is burdensome due to medical concerns and/or old age, and that financial and employment concerns made jury service onerous.

Top Juror Concerns—111 Centre Street	
3/01/01-6/30/02	
(Total Concerns = 212)	
Top Appreciative Concerns	Count
Things are generally better	11
Good clerks	5
Good that everyone serves	2
Physical conditions are better	1
Top 10 Critical Concerns	Count
Would like a postponement/deferral	19
Elder/childcare	14
Medical problem/old age	8
Disproportionate summoning	6
Improve technology	5
Needed directions to the courthouse	5
Financial hardship	4
Self-employed should be exempt	4
Very disruptive to my work	4
Wasted time	4

(B) Breakdown of juror concerns

In terms of the physical conditions at 111 Centre, jurors were displeased by the lack of accessible coffee, food, and juice. Unlike 60 Centre Street, where coffee and food stand is located just feet away from the jury assembly room, 111 has only one coffee stand available, on the first floor, which serves as the only in-house option for all court-users. As was mentioned in the previous section, it is the CJP’s hope that the meeting scheduled with court officials and the Commission for the Blind and Visually Handicapped will result in coffee booths for jurors at both 111 and 100 Centre Street.

111 Centre: Physical Conditions	Count
No coffee/sandwiches/juice	3
Uncomfortable seats	2
There is no place to smoke	2
Not enough seats	1

Concern with the summoning process at 111 centered on jurors seeking a postponement or deferral. As is the case in the other Manhattan courts, jurors with summoning questions often do not know to report to room 139 at 60 Centre to seek postponement. Clearly stating this information in the “Postponements and Excusals” section of the summons could help ameliorate juror confusion.

111 Centre: Summoning	Count
Would like a postponement/deferral	19
Disproportionate summoning	6
Problems with name or address	3
Would like to volunteer	3
Unreadable summons	2

In the “lack of information” category, jurors expressed a variety of concerns. Examples of juror questions included, where to report if the juror arrived late, where to go to seek a postponement or dismissal and what to do if a juror has a conflict with work and service. Employment concerns span across age groups, as the comments of the following young juror illustrate:

“I just graduated from high school and have an internship, but need to serve in the upcoming weeks. I would like to serve, but then I would lose the internship.” (6/13/02)

111 Centre: Lack of information	Count
Lack of information/incorrect information	14
Needed directions to the courthouse	5
Needed information ahead of time	3

Jurors at 111 Centre commented on time wasted waiting in the jury room and the length of service; jurors also suggested that service needs to be more flexible/accommodating in order to lessen the burden of the process. A common suggestion by jurors is to adopt the one-day, one-trial system:

“There should be a one day selection system, like they have in other places. The system they have now is inefficient. Perhaps there should be more staff to process the cases so jurors don't have to wait as long.”(6/10/02)

Although this system is employed in some courts in New York State, the disadvantages may be too great in urban areas of New York, where utilization is close to 100%. With the one-day/one-trial system Manhattan and Brooklyn courts would have to summons a significantly greater number of jurors, increase their administrative costs for staff, forms, and postage, and would lessen their ability to track juror's prior trial performance.²⁰ The one-day/one trial system is now being implemented throughout California, and the results are mixed. Though jurors are appreciative of shorter terms of service, the system is particularly strained in Los Angeles County, which provides courtrooms for 9.5 million people. The effect has been a need to try to accelerate trials by allowing the judge to conduct questioning, and by providing the attorneys very little time for questioning. Other reforms that were proposed by the State's Blue Ribbon

²⁰ G. THOMAS MUNSTERMAN, PAULA L. HANNAFORD & G. MARC WHITEHEAD, JURY TRIAL INNOVATIONS, NATIONAL CENTER FOR STATE COURTS (1997).

Commission on the Jury include: eradicating jury trials for misdemeanors not carrying jail time, reducing the size of juries, and allowing for non-unanimous 11-1 jury verdicts. These reforms are controversial, though the one-day/one-trial system may necessitate them.²¹

111 Centre: Administration	Count
Wasted time	4
Service is too long	4
Service should be more flexible/accommodating	3
Eliminate judge's address	1

Technological improvements were also seen as a means to lessen the burden of jury service at 111 Centre. As was the case in the other Manhattan courts, jurors saw internet connections as the most needed technological improvement. One juror made a suggestion that CJP fully endorses and will discuss further in the recommendations section:

“This court should have internet access. Private companies should pay for installation and not charge for service. [In exchange for advertising to jurors while they use the service.] The court won't have to pay for it.”
(5/22/02)

111 Centre: Technology	Count
Improve technology	5
Need phone lines for computers	4

Compared to the other Manhattan courts, financial hardship was more present in the comments received at 111. Self-employed people expressed the most concern over the burden of jury service, which is not surprising, particularly in this time of economic downturn, when these individuals are hit hard with the burden of finding work. One juror pointed out that when self-employed individuals do not accept work, their present and future employment opportunities could be affected:

“I am a freelance actress. If I don't accept the work assignments offered to me I risk losing work in the future, which puts my career in jeopardy. People who don't get salaries from their employers should get more pay.”
(5/22/02)

111 Centre: Employment/Financial Burden	Count
Self-employed people should be exempt	4
Very disruptive to my work	4
Financial hardship	4

²¹ ALEX RICCIARDULLI, WILL THE GOAL OF EFFECIENCY TRUMP JUSTICE ?, LOS ANGELES TIMES, (JUNE 23, 2002).

Am losing major work assignments	3
Student feels entitled to exemption	3
Severe financial hardship	2

Caretakers, more than any other population at 111 Centre, clearly voiced concern over the burden that service puts on their lives and the children, elderly, or people with disabilities that they care for. The elderly and people with medical problems also expressed some concern about their ability to serve.

111 Centre: Family/Health Burden	Count
Elder/childcare	14
Medical problem/old age	8

(C) Recommendations

1. Physical Environment:

- Repair water fountains so that they consistently function properly.
- Clean and maintain bathrooms outside of the jury room on a regular basis--at least two to three times daily.
- Collaborate with the Citizens Jury Project and the Commission for the Blind and Visually Handicapped in our efforts to devise a way to provide coffee stands for jurors that would be located outside of the jury assembly rooms. Since the Citizen Jury Project’s inception, jurors at 111 Centre have consistently requested more accessible coffee and food.
- Work with CJP and the Office of Court Administration to devise ways in which to address child care issues in the court. Instead of addressing child care issues through dismissal, providing information to caretakers or providing child care for jurors in a neighboring court will promote more representative juries. This may be particularly beneficial to individuals with lower incomes who, living in the most expensive city in the nation, often face multiple burdens that inhibit their ability to serve.

2. Summoning:

- List on the summons, in the section entitled “postponements and excusals”, that jurors who seek postponements and excusals should call (212) 748-5300 if it is their first postponement, or report to room 139 at 60 Centre Street for any subsequent postponements. Although this information is currently listed in a different section of the summons, CJP believes that mentioning this information in the “postponement and excusal” section will lessen the juror confusion that we encounter daily in Manhattan courts.

3. Administration

- Address non-English speakers in the morning orientation. CJP interns have noted that while clerks at 360 Adams in Brooklyn inform non-English speakers where to go and with whom to speak with if they cannot serve, non-English speakers are not addressed in Manhattan courts. (See section 6 for more information.)

4. Technology:

- Consider the possibility of providing modem outlets for jurors in the assembly room, juror lounge, and/or hallway. CJP interns are currently in touch with companies that can provide online services. Once CJP has made a careful assessment of the possible service options, we will present this information to the appropriate court officials. Support of this endeavor will allow jurors to work while they wait and will lessen jurors' employment burdens.
- Update the juror assistance numbers to reflect current information about the courts, such as the holiday schedules and peak periods of waiting time in the security lines.

5. 360 Adams Street

(A) Summary of juror concerns

The number of comments received by jurors at 360 Adams continue to grow, thanks to the positive changes that have been implemented at 360 Adams. The chief administrative staff, clerks, and court officers have listened and responded to the CJP's concerns and have, since February, allowed the Project's ombudservice booth to locate itself inside the jury room. Since the culture of the court is such that jurors infrequently leave the jury room, this move has significantly increased the number of comments CJP receives, which has grown from 66 comments in the last trimester report, to 170 comments gathered for this report. Additionally, the range of the comments has broadened. When the booth was located outside of the jury room, a majority of the juror comments that CJP received centered on jurors' concerns as they entered the courthouse, such as room locations and summoning issues. Now, in addition to these concerns, CJP receives concerns regarding the process and conditions of the courthouse.

Two other improvements in the Brooklyn court include:

- **Audio visual communication with jurors will be improved:**
Drawing from the last CJP trimester report, Brooklyn administrative officials report that the court is actively pursuing CJP's recommendation that the televisions in the juror assembly room be used to display jurors' names (through teleprompt) as they are called over the public announcement system. This is a positive step in facilitating communication between the court and jurors, who have previously complained that acoustics are poor in the large, oddly-shaped jury room, and that it is difficult for jurors to decipher their own names among those called.

- **The smoking room has been closed:** In accordance with the smoking policy of the New State Unified Court System, Part 39 of the Rules of the Chief Judge, Brooklyn closed its smoking room in April.

Brooklyn received a rather limited number of appreciative comments, though one comment characterizes a general sentiment among jurors that conditions have improved:

“Conditions have improved: they got rid of the smoking room. It’s also good that you don’t serve every two years anymore. They must have expanded their list or something.” (6/6/02)

The issues of seeking a postponement or deferral and lack of information or incorrect information were, like other courts, frequently addressed at 360 Adams. Beyond those concerns, the majority of the critical concerns related to the burden that service puts on jurors’ personal lives, particularly in regard to employment, child care and health concerns.

Top Juror Concerns—360 Adams Street	
3/1/02-6/30/02	
(Total Concerns = 170)	
Top Appreciative Concerns	Count
Lunch guide is good	1
Magazines are good	1
Physical conditions are better	1
Things are generally better	1
Top 10 Critical Concerns	Count
Would like a postponement/deferral	37
Lack of information/incorrect information	20
Medical problem/old age	14
Elder/childcare	9
Need to pick up children	8
Needed information ahead of time	5
Student feels entitled to an exemption	5
Very disruptive to my work	4
Religious/personal objection	4
Severe financial hardship	3

(B) Breakdown of juror concerns

CJP received only a few jurors’ comments on the physical conditions at 360 Adams. Two jurors suggested that the seats are uncomfortable and that a cushion for jurors’ backs could make the wooden benches more comfortable. An attorney who works in the building commented on the accommodations for people with disabilities:

“...[T]he only good handicapped bathroom in the whole Supreme Court building is in the juror room.” (7/2/02)

This comment serves as a good reminder that the environment for jurors and other court-users with disabilities must be made accessible in every area of the courthouse.

360 Adams: Physical Conditions	Count
Uncomfortable seats	2
Not enough work carrels	1
Poor accommodations for the disabled	1
There is no place to smoke	1

As is often the case in Manhattan, Brooklyn jurors report a need for postponement/deferral as their primary summoning concern. Unlike the Manhattan courts, Brooklyn jurors’ reasons for seeking postponement/deferral are quite present in their top critical concerns. Six of the top ten critical concerns gathered from jurors at 360 Adams relate to the burden of service in relation to jurors’ personal lives. These comments were made primarily by caretakers, the elderly, people with medical problems and/or severe financial hardship. Often jurors’ burdens overlap, for example, on June 20, 2002 a juror approached the booth who was a freelancer and a single mom. She sought a postponement because jury duty would take time off of her daytime and evening job, and she had no problem demonstrating financial hardship.

360 Adams: Summoning	Count
Would like a postponement/deferral	37
Received multiple summons	3
Problems with name or address	2
Disproportionate summoning	1

A wide-range of comments were collected regarding lack of information. Some jurors exhibited a general lack of knowledge about the process:

I was called for a case and told to come to this room at 10:00. Do I just wait to be called? Also, I was told that if I have children I don't have to be here--is that true? Is there a form to fill out if I had to hire a babysitter (for reimbursement)?

Other jurors expressed specific concerns, often related to issues that are brought up by jurors repetitively at 360 Adams:

Someone called me to room 258 over the loudspeaker but when I got there no one could help me.” (6/18/02)

Miscommunication also occurs outside of the jury room, as is illustrated by the following juror comments:

“I was being questioned at the end of the day yesterday and told to return upstairs at 9:30, but no one is there. What do I do?” (6/25/02)

These comments suggest that technical improvements, such as utilizing the teleprompt system to list jurors names when they are called, coupled with procedural improvements, such as taking time to clearly explain where jurors are to report (whether it be the assembly room, a voir dire room, or a courtroom) will lessen jurors’ frustration and foster jurors’ respect for the court and the process of serving. A simple administrative improvement that can be made to facilitate communication in the jury assembly room is to have a sign-out sheet available for jurors who, for whatever reason, must briefly leave the assembly room. There are sign-out sheets available in all of the Manhattan courts: CJP strongly recommends that Brooklyn follow suit.

360 Adams: Lack of Information	Count
Lack of information/incorrect information	20
Needed information ahead of time	5

Employment and financial hardship clearly play a role in the lives of jurors at 360 Adams. Students, people facing financial hardship, and self-employed individuals were the most represented groups with employment concerns.

360 Adams: Employment/Financial Burden	Count
Student feels entitled to exemption	4
Very disruptive to my work	4
Severe financial hardship	3
Am losing major work assignments	3
Self-employed people should be exempt	2
Severe financial hardship	2

As mentioned previously, comments regarding family and health concerns comprised a larger percentage of the total comments collected at 360 Adams than in any of the Manhattan courthouse. Family/health burden was 18% of the total juror comments at 360 Adams, while they comprised only 5%, 4%, and 10% at 60, 100 and 111 Centre, respectively. Although court officials have suggested that it is infeasible to house a child care center at 360 Adams, any effort to provide information to jurors who are in need of child care prior to service, or to provide child care in a neighboring court, would ease the burden of service and could promote greater representation of caretakers on jury panels.

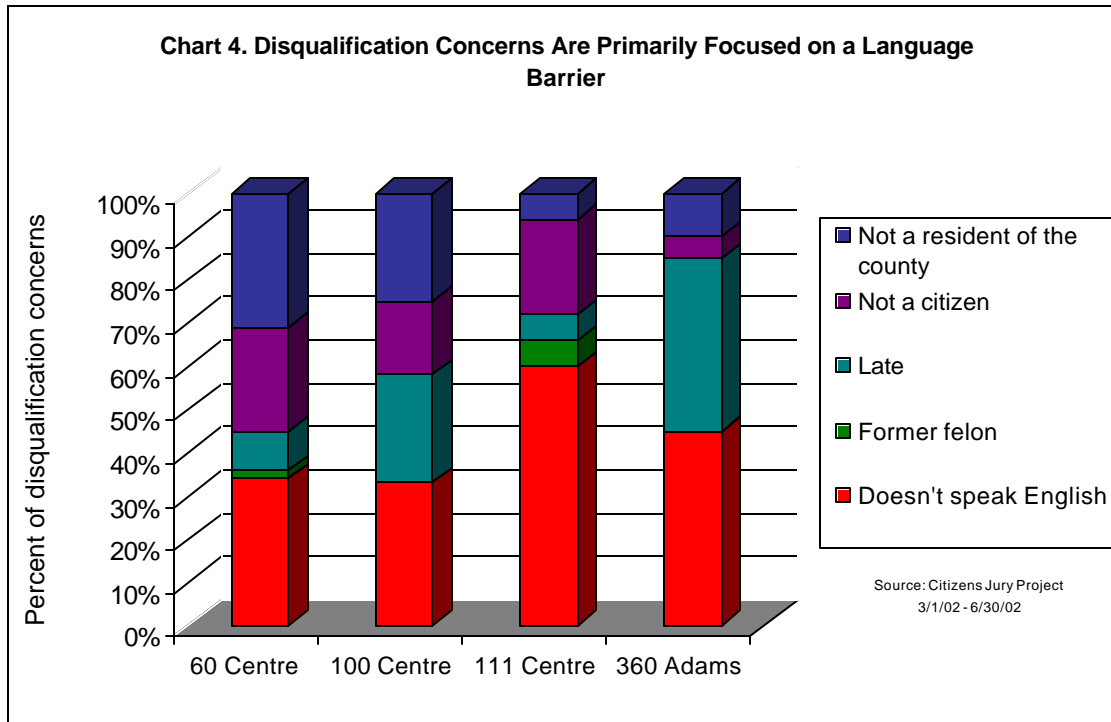
360 Adams: Family/Health Burden	Count
Medical problem/old age	14
Elder/childcare	9
Need to pick up children	8

(C) Recommendations

1. Physical Environment:
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Provide more disability-accessible restrooms in the courthouse.
 - Work with CJP and the Office of Court Administration to devise ways in which to address child care issues in the court. Instead of addressing child care issues through dismissal, providing information to caretakers or providing child care for jurors in a neighboring court will promote more representative juries. This may be particularly the case for Kings County, in which children under the age of 18 are present in 38.2% of the households.
2. Lack of Information:
 - Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve el. Clearly inform jurors about any changes in service or room changes.
3. Administration:
 - Continue to pursue the possibility of displaying jurors' names on the television screens (through teleprompt) as they are called over the public announcement system.
 - Allow jurors to sign out during their service, just as all three Manhattan courts do. For a variety of reasons, jurors must temporarily leave the assembly room, and should be trusted to return. A sign-out sheet will improve jurors experience in the courthouse, and lessen the administrative burden caused by missing jurors.

6. Disqualifications*(A) An Overview of Disqualified Jurors' Comments*

Disqualified concerns comprise a large proportion of the total number of comments received by the Citizens Jury Project: approximately 13%, or 113 of the total 882 comments. As mentioned in previous CJP reports, individuals who are disqualified and seek information as a result of a language barrier make up a majority of the disqualification comments, approximately 44% of the total.



60 Centre: Disqualifications	Count
Doesn't speak English	15
Not a resident of the county	14
Not a citizen	10
I'm late	4
Former felon	1
100 Centre: Disqualifications	Count
Doesn't speak English	4
Not a resident of the county	3
I'm late	3
Not a citizen	2
111 Centre: Disqualifications	Count
Doesn't speak English	22
Not a citizen	8
Former felon	2
I'm late	3
Not a resident of the county	2
360 Adams: Disqualifications	Count
Doesn't speak English	9
I'm late	8
Not a resident of the county	2
Not a citizen	1

Non-English speakers evoke a number of issues and questions about the administration of justice in New York. The last CJP trimester report discussed the issue of summoning, and how the court can reach out to non-English speakers in the process. We recommended:

- “Include a line on the qualification questionnaire in each county’s predominant languages, which instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines with recorded instructions for summoned non-English speakers about the jury process and how to seek postponement/dismissal prior to service.”

In light of the fact that New York law does not require jurors to read and write in English, but rather, just to “understand and communicate”²², it is ironic that a form written entirely in English summons jurors to the courts. This is particularly disconcerting in the urban environments of New York and Brooklyn, where non-English speakers make up an even greater percentage of the population than the state average of 13%. In both New York and Kings counties, the precedent to utilize languages other than English in forms and through hotlines has been set by many agencies and systems in government, including the voting system, the tax system, the welfare system, and the Division of Motor Vehicles. In all of these systems, filling out a form in a language other than English can put individuals on the source lists for jury service. It is a significant oversight that the court system stands alone with forms that communicate exclusively in English. Modifying the qualification questionnaire and establishing hotlines for non-English speakers will improve the administration of the courts, and facilitate communication between the judicial system and individuals and communities throughout the state.

(B) Outreach to Non-English Speakers in the Courts

Within New York courts, greater efforts can be made to communicate with non-English speakers. CJP interns continually encounter non-English speakers who arrive at the courts alone and very confused or accompanied by a friend or relative who speaks English. For both types of non-English speakers, CJP suggests that the courts acknowledge their presence and provide assistance for them during morning orientation.

In the Manhattan courts, the non-English speakers are not addressed in the morning juror orientation or afterwards. While clerks often mention that other potentially disqualified groups, such as individuals who have been convicted of a felony, or no longer reside in the county, are excused from service, typically, no assistance is given to non-English

²² NEW YORK STATE CONSOLIDATED LAWS, SELECTION OF JURORS: ARTICLE XVI, § 510.

speakers, who wait through the entire morning orientation and must approach the clerks to gain information. In contrast, Brooklyn court officials address non-English speakers in their native languages right after morning orientation. Jurors who feel they do not understand and communicate in English well enough to serve are asked to report to a language room, where their ability to understand and communicate in English is assessed. Although any system has its faults, this approach is certainly more advantageous than the Manhattan courts' approach, which does not acknowledge and communicate with non-English speakers during or after orientation.

7. Communication between the Courts and Communities

Recent studies refute the contemporary validity of the Yankelovich (1978) study for the National Center for State Courts (NCSC), a widely-cited study that found that people's distrust in the court system grows with their knowledge of and experience within it.²³ In 1998, the American Bar Association's (ABA) national telephone survey, "Perceptions of the Judicial System" found that public involvement with the courts has increased, and with this increased involvement, the public's confidence and satisfaction has grown.²⁴ In 1999, the National Center for State Courts conducted a survey that paralleled the Yankelovich study and also found that confidence in the judicial system has significantly increased, and that "the more knowledge people have about the judicial system the greater their confidence in the judicial system overall as well as in a whole host of its components."²⁵

Both the ABA and NCSC studies reflect the positive reforms and improvements that have been made in the judicial system. However, these studies also found that support for the judicial system is not monolithic: confidence in and perception of support from the judicial system varies across socio-economic classes and groups. The ABA study found that the people most likely to have confidence in the judicial system are: "men, those who have higher incomes, those who are more educated, and those who have positive litigant and juror experience."²⁶ The NCSC 1999 study reported that 80% of the respondents felt that the wealthy received better treatment in the courts, and the majority of the respondents (54%) felt that non-English speaking receive the worst treatment. In terms of racial/ethnic differences, the NCSC study reported that Hispanics expressed the greatest satisfaction with the performance of the courts, while African-Americans' opinions about the courts were consistently the most negative. Additionally, "almost 70% of African American respondents said that African-Americans,

²³ YANKELVICH, ET AL., HIGHLIGHTS OF A NATIONAL SURVEY OF THE GENERAL PUBLIC, JUDGES, COMMUNITY LEADERS, IN NATIONAL CENTER FOR STATE COURTS: A BLUEPRINT FOR THE FUTURE (1978).

²⁴ The Albany Law Review published a condensed version of this study:

THE AMERICAN BAR ASSOCIATION, SYMPOSIUM: AMERICAN BAR ASSOCIATION REPORT IN PERCEPTIONS OF THE US JUSTICE SYSTEM, 62 ALB. L. REV. 1307 (1999).

²⁵ NATIONAL CENTER FOR STATE COURTS, HOW THE PUBLIC VIEWS STATE COURTS: A 1999 SURVEY 41 (1999), available at: <http://www.ncsc.dni.us/ptc/results/results.pdf>.

²⁶ THE AMERICAN BAR ASSOCIATION, *supra* note 22, at 1312.

as a group receive “Somewhat Worse” or “Far Worse” treatment from the courts; a substantial number (over 40%) of Whites/Non-Hispanics and Hispanic respondents agreed.”²⁷

A positive finding in the NCSC study is that the jury system received overwhelming support from respondents. 78% of the respondents indicated that the jury system is the fairest way to determine the guilt or innocence of a person accused of a crime, and 69% agree that juries are the most important part of the system.²⁸ Clearly, New York State’s efforts in improving upon the jury system are well warranted; community outreach related to the jury system is one of the most direct ways to improve the communication between the courts and communities.

The Community Outreach Initiative, developed by the New York State Unified Court System, is a positive example of the court system’s efforts to enhance public knowledge and access to the court system. This initiative, introduced in 2000, offers a variety of resources, ranging from information for the media to teaching tools and education programs for youth. Juror-specific resources and outreach efforts include extensive online information for jurors, the statewide juror assistance number, and juror appreciation week.²⁹

As this initiative continues to develop, the Citizen Jury Project suggests that research on the public’s perception of the courts should inform this outreach initiative. The following recommendations draw off this idea and the aforementioned demographic characteristics of the New York and Kings County communities:

- Distribute the Community Outreach Initiative brochure to court and community centers throughout the state. Just as the technique of weighted random sampling can be beneficial in obtaining a cross-section of a largely-populated community, the brochure should be primarily distributed in low-income, African American, and non-English speaking communities, the communities that are perceived to receive the poorest treatment in the courts.
- Provide Community Outreach Initiative information in languages other than English.
- Increase communication between the courts and the press that report and publish in languages other than English.
- Advertise court reform and improvements, particularly jury-related reform, in public forums. Public transportation may be the most efficient way to advertise across income, racial and ethnic groups. The New York Department of Health and the Department of

²⁷ THE NATIONAL CENTER FOR STATE COURTS, *supra* note 23, at 38.

²⁸ *Id.*

²⁹ The Community Outreach Initiative’s online information and resources are available at: http://www.courts.state.ny.us/Community_Outreach/.

- Education regularly advertise in both Spanish and English on buses and subways.
- Collaborate with other state systems and agencies to promote jury service and positive practices in relation to service. For example, making court publications such as the Community Outreach Initiative brochure and OCA's employment pamphlet available to the Department of Labor could facilitate the distribution of the information to potential jurors—employers, employees and the unemployed—throughout the State.

8. Summary of Recommendations

“Next to doing right, the great object in the administration of justice should be to give public satisfaction.”³⁰

-Hon. John Jay, the first Chief Justice of the United States

Although this statement was made in the late 1700's, its modern relevance is clear, and was recently included in Chief Justice William H. Rehnquist's keynote address at the National Conference on Public Trust and Confidence in the Judicial System (1999).³¹ The idea that the administration of justice entails promoting public satisfaction is steadfast, while the needs and opinions of the general public, and composition of communities, are ever-changing. The following recommendations suggest that the court system and the Citizens Jury Project must broaden our analyses of and responses to the needs of New York communities, in order to continue to promote an inclusive, educative jury system, which effectively responds to issues and questions of justice:

(A) Recommendations for the Courts

Target environmental improvements in the courts. Jurors clearly respond to improvements made to the physical conditions within our courts. Courts must continue to assess whether their facilities are accessible to the variety of individuals represented in their communities. Inclusion is promoted when court facilities are accessible to people with disabilities, to caretakers, to non-English speakers and to people with economic concerns. Simple improvements, such as continuing to improve upon access to basic amenities, along with structural improvements such as disability accessible entrances and bathrooms, effect jurors' experience in the courts and ability and desire to serve. Timely response to the recommendations provided in this report and in other ongoing assessments will allow clean and well-kept courts to become the statewide norm.

³⁰ Quoted in: HON. EDWARD J. SCHOENBAUM, IMPROVING PUBLIC TRUST AND CONFIDENCE IN ADMINISTRATIVE ADJUCATION: WHAT AN ADMINISTRATIVE LAW JUDGE CAN DO, 21 J. NAALJ 1 (SPRING 2001).

³¹ *Id.*

Address non-English speaking individuals during or after morning orientation. This recommendation pertains to the Manhattan courts, which fail to address non-English speakers before, during, or after morning orientation.

Provide jurors with detailed information about where to report during all phases of service. In order to alleviate juror confusion during the voir dire process or while serving on a panel, CJP suggests that courts be more clear and explicit about where jurors should report while serving. CJP has noticed that this is an issue in all four courts, and that jurors express particular confusion about where to report on the morning after they have been called to a voir dire or assigned to a trial.

Collaborate with CJP and OCA in devising ways to best accommodate caretakers, non-English speakers, minorities, and individuals with low incomes in the courts. Part of the work in accommodating these individuals is systemic, yet it must also be addressed at a court and community-specific level. Court officials and individuals have a day-to-day and historical perspective on the populations and communities that visit each court, and how staff and their facilities can be accommodating.

(B) Administrative, Public Relations, and Research Recommendations

Summoning

- Include a line on the qualification questionnaire in each county's predominant languages, which instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines with recorded instructions for summoned non-English speakers about the jury process and how to seek postponement/dismissal prior to service.
- Provide more child care information for jurors prior to service by addressing child care/caretaker concerns on the New York Unified Court System's Juror Information website and the petit juror handbook. Child care/caretaker information should include resources for jurors, such as the Child Care Resource and Referral Agency's website, which provides the location of and further information on child care centers in each county. Easy access to information promotes inclusion rather than the dismissal of caretakers.

Court Facilities

- Consider building and expanding upon the amount of child care centers in courts, so that facilities may offer child care services to jurors, along with litigants.

Public Outreach

- Provide multi-lingual information about the courts and court processes. The Community Outreach Initiative information should be made available in languages other than English.
- Distribute the Community Outreach Initiative brochure and OCA's employment pamphlet to court and community centers throughout the state, particularly low-income, African American, and non-English speaking communities, the communities that report and are perceived to receive the poorest treatment in the courts.
- Collaborate with other state systems and agencies to promote jury service and positive practices in relation to service. For example, making court publications such as the Community Outreach Initiative brochure and OCA's employment pamphlet available to the Department of Labor could facilitate the distribution of the information to potential jurors throughout the State.
- Increase communication between the courts and the press that report and publish in languages other than English.
- Advertise court reform and improvements, particularly jury-related reform, in public arenas such as public transportation buses and subways. The New York Department of Health and the Department of Education, regularly advertise in both Spanish and English on buses and subways.

Future Research

- Conduct research on the frequency of caretakers serving as jurors and the met and unmet needs of caretakers who serve or are dismissed. To make these assessments, CJP recommends that the question, "Are you a caretaker for children, elderly or adults in need of supervision?" be added to OCA's statewide exit survey. Additionally, to gain a better understanding of caretakers' needs, surveys could be administered when caretakers come to the courts seeking dismissal.
- Expand research and analysis to include the non-compliant and disqualified juror populations. Research has indicated that non-respondents generally want to serve but that personal responsibilities/hardship and misconceptions about service inhibit their response.³² A state-specific assessment of non-compliant and disqualified jurors can allow for a more in-depth analysis of many of the issues brought up in this report, such as the percentage of non-compliant and disqualified jurors who do not understand and comprehend English. This research will also help to further clarify where gaps in information exist and how the system can best assess and accommodate individuals with personal hardship and responsibilities which inhibit their ability to serve.

³² BOATRRIGHT, supra note 14.

Appendix A: Top Juror Concerns in Manhattan & Brooklyn Courts

Top Juror Concerns—Manhattan & Brooklyn Courts 3/1/02-6/30/02 (Total Concerns =882)	
Top 10 Appreciative Concerns	Count
Things are generally better	30
Good clerks	14
Lunch guide is good	8
Good that everyone serves	6
Physical conditions are better	4
Video is good	4
Good that attorneys serve	3
Courthouse restoration looks good	2
Good that judges serve	1
Judges are nicer	1
Top 25 Critical Concerns	Count
Would like a postponement/deferral	100
Lack of information/incorrect information	97
Medical problem/old age	36
Elder/child care	29
Wasted time	21
Problems with name or address	19
Disproportionate summoning	19
Very disruptive to my work	18
Student feels entitled to an exemption	17
Improve technology	16
Needed information ahead of time	15
In non-compliance	14
Self-employed should be exempt	13
Service should be more flexible/accommodating	13
Religious/personal objection	12
Need to pick up children	11
Service is too long	10
Financial hardship	9
Summoned w/in two years of prior service	9
Am losing major work assignments	9
No coffee/sandwiches/juice	7
Voir dire: time wasted by attorneys	7
Jury pool too homogenous	6
Received multiple summonses	6
Voir dire: intrusive personal questions	6