

**Citizens Jury Project
Spring 2004 Report on Juror Concerns:
April 1, 2004- June 30, 2004**



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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. 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 a post-Masters policy analyst, a graduate student in public policy and social work at New York University, a law student from Rutgers University, a law student from Vermont Law School, a Masters of Science student at New York University, and an undergraduate senior from Princeton University—are the in-court presence of the project. At these booths, which are located in the jury assembly room areas, interns interview and assist jurors and gather the data presented in CJP reports.

Since the last CJP trimester report, the Commission on the Jury released its interim report, which puts forth a number of constructive recommendations to improve juror utilization in New York. During this past trimester, CJP also reached a milestone of its own: CJP interviewed its five thousandth juror on May 10, 2004. In light of both developments, the following report will present a statistical analysis of the 5,000 juror interviews and will discuss ways in which the Commission on the Jury's findings and recommendations accord with the concerns that jurors voice in New York and Kings County courts.¹

In the second part of this report, CJP presents and discusses the 1,001 comments of jurors interviewed by CJP from April 1 to June 30, 2004. These comments about service suggest ways in which to continue to improve court processes and environments for jurors. Jurors' comments also reveal their cognizance of and appreciation for the significant reforms that have been introduced into the system.

Now well into our ninth year, CJP looks forward to continuing our collaborative work with the Office of Court Administration (OCA) and courts throughout the state. Jury reform has improved the administration of justice in New York and jurors' perception of the justice system. By giving jurors an active voice in our courts and responding to their concerns, the relationship between the courts and New York communities is strengthened and the groundwork is established for future administrative reform.

Ken Jockers
Executive Director
The Fund for Modern Courts

Jane Eggers
Director
Citizens Jury Project

¹ CJP would like to thank intern Somi Kwon for her assistance with the statistical analysis presented in this report and for the many other ways in which she has contributed to CJP.

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1. AN OVERVIEW OF THE REPORT & UPDATE ON CJP ACTIVITIES

(A) Introduction

The National Center for State Courts cites 1940-1980 as the time period in which state court administration and innovation dramatically changed court management.² A number of pivotal developments occurred during this time period, including the development of unified court systems, the profession of court administration, and national organizations to support court reform.³ This time period has been characterized as moving “toward a broader and more inclusive legal culture” spurred on by a “quest for a common legal culture that transcended the hundreds of highly localized cultures that shaped the American legal system.”⁴

It is striking to consider the recent history of court administration, the large-scale systemic change and positive reforms that have led to a greater congruence and balance between local, state, and national government. Unification and organization have also allowed people greater access to the court system and have allowed more people to participate in the process through the jury system.

New York is exemplary in its approach to court administration, including the state’s work to improve the jury system. In 1994 the Jury Project, a blue-ribbon panel formed by Chief Judge Judith Kaye designed to review and reform jury service in New York, released a report that provided a thorough evaluation of the jury system and recommendations for reform. Since 1994, New York has implemented a majority of the Jury Project’s recommendations and has created a system that is more efficient and inclusive. Concurrently, the Unified Court System has improved court facilities throughout the state; jurors now serve in accessible, safe, and comfortable environments.

The strength of New York’s judiciary and justice system is evinced by the fact the court system’s significant achievements in the area of jury reform serve as an impetus for future action. Ten years after the Jury Project released its final report, the Commission on the Jury⁵ released its interim report, which provides a thoughtful analysis of New York’s jury system and specifically addresses the issue of juror utilization in New York. The Commission’s report also provides a series of recommendations that will be discussed in this report and can be seen as a map for the course of future jury reform.

² Robert W. Tobin, *An Overview of Court Administration in the United States*, 19, 24 (National Center for State Courts, 1997).

³ *Id.*

⁴ *Id.* at 19 & 24.

⁵ For more information, visit: www.jurycommission.com/

(B) Court Procedural and Facilities Accomplishments

Stemming from recommendations made in the Commission on the Jury's interim report and the collaborative efforts of local and state court administrators and officials, the following environmental and instructional improvements are being implemented in New York and Kings County courts:

1. 100 Centre Street Courthouse Environmental Improvements:

- In response to the complaints about courtroom acoustics, the Office of Court Administration has installed sixteen permanent sound systems.
- Elevator renovations at 100 Centre are well underway. The first stage of refurbishing and renovating three public elevators is nearing completion, and the entire renovation project should be completed in two years.
- The 15th floor juror assembly room area is currently under extensive renovation. The court furniture in the assembly room will be replaced with more comfortable and accessible seating. The bathrooms will be retiled and new sinks will be installed. A sink will also be installed in a room between the assembly room and lunchroom, which (as is discussed in the following section) will allow the Commission on the Blind and Visually Impaired to offer coffee and refreshments to jurors at 100 Centre.

2. 60 Centre Street Courthouse Environmental Improvements:

- A non-structural wall between two of the empanelling rooms (adjacent to the assembly room) will be knocked down so that larger panels can be accommodated during voir dire. New ventilation ducts will also be installed in the empanelling rooms.
- The bathrooms adjacent to the assembly rooms will be retiled and malfunctioning stall doors will be replaced.

3. Map on New York County Summons Improved: The New York County summons was recently updated and now lists the Canal Street subway station (servicing the N, R, Q, and W trains) as a stop that is located in close proximity to the courthouses. Although this may seem like a minor improvement, many jurors had previously commented on the need to include the station on the map and will undoubtedly appreciate the update.

4. Combined Criminal and Civil Voir Dire Questionnaire: One of the primary recommendations that the Commission on the Jury makes in its interim report is to "expand the use of juror questionnaires to facilitate more efficient oral questioning during voir dire."⁶ (p. 11) To promote the efficient use of the questionnaire, the Office of Court Research recently

⁶ The Commission on the Jury, *Interim Report of the Commission on the Jury to the Chief Judge of the State of New York*, 11 (June, 2004).

designed a combined criminal (UCS 133) and civil voir dire (UCS 137) questionnaire. The revised survey will streamline the process by allowing jurors who are called to both civil and criminal voir dire to fill out one survey. The simplified process will also encourage attorneys to utilize the survey more frequently during voir dire. This combined survey will be piloted in three counties.

5. **Template for New York Summons:** In response to another recommendation set forth in the Commission on the Jury's Interim Report, the Office of Court Research is currently assessing New York counties' summonses and will devise a template from which each county's summonses can be based. The Office of Court Research is examining what information should be included on the summons and how best to convey the information to jurors.
6. **Computer and Wireless Access:** Office of Court Administration officials have indicated that they have initiated a project to offer free wireless access and computer terminals for up to fourteen counties (twenty sites). Once the initial installation is complete, jurors will be able to bring their own personal computers to the courthouse and work online or sit at work carrels that will be equipped with Internet accessible computers.

(C) Update on CJP Activities

In collaboration with the Unified Court System, CJP continues to offer an ongoing presence in New York and Kings County courts. In addition to this work, CJP recently began assisting with other court projects and developed a new web site for jurors:

1. **Morning Orientation Study:** OCA recently asked CJP to begin observing morning orientations in counties in Southern New York and to complete surveys designed by OCA to assess what information is conveyed to jurors. This study has been implemented in response to the Commission on the Jury's recommendation: "Uniform orientation scripts should be prepared for jury room personnel and judicial officers, to be modified as necessary to account for local practice."⁷ The OCA/CJP orientation assessment will elucidate what information is consistently conveyed to jurors and what information is necessary to include in the uniform orientation script. Clear, consistent orientations will eliminate any gaps in information that may impede jurors' ability to serve and will positively affect jurors' perceptions of the system.
2. **Accessible Coffee and Refreshments at 100 Centre Street:** In response to 100 Centre Street jurors' ardent and frequent request, CJP has met with the Commission for the Blind and Visually Impaired (the

⁷ *Id.* at 47.

organization that is contracted to offer coffee and refreshments in New York courthouses) and OCA officials to explore the feasibility of providing a coffee and refreshment stand to jurors in the assembly room area. One issue that was hindering this project was the lack of a clean sink in that area of the courthouse. However, OCA officials met with City officials who have agreed to install a sink. As discussed, this sink will be installed as part of the renovation project that is currently underway at 100 Centre. Once the sink is installed, the Commission on the Blind and Visually Impaired will begin to offer coffee and refreshments to jurors on the 15th floor of the 100 Centre Street courthouse.

- 3. CJP's New Website:** CJP has often suggested that electronic media, such as websites, are a practical and effective way to communicate with jurors prior to service. With that in mind, CJP recently redesigned its own web site to better accommodate all jurors. For example, CJP's new website (located at www.juryproject.org) is disability accessible and will soon provide multi-lingual information for jurors.

2. ANALYSIS OF CITIZEN JURY PROJECT DATA, 2000-2004

(A) Introduction

On May 10, 2004, the five thousandth juror approached a Citizens Jury Project intern at 111 Centre Street. The man was middle aged and well dressed. His head seemed full of many thoughts, and he clearly conveyed impatience:

I'm a prosecutor in this court--I've been for about 20 years. I don't think they're going to pick me. Can I talk to someone? When are they going to call a case? It's about 11am.

The five thousandth juror was not one of the many jurors whose comments include accolades about the jury system, but this juror's comments are reflective of some of the improvements that have been made to the system and also areas that are currently being addressed. Ten years ago this lawyer would probably not have been called to serve as a juror but, due to the abolishment of the permanent qualified list and the expansion of the source lists from which jurors are drawn, a variety of professionals now serve, and many sit on cases.⁸ The juror's other concern relates to systemic inefficiency, a topic that is in the process of being thoroughly evaluated by the Commission on the Jury and, as discussed in the previous section, OCA is currently working on projects in response to the Commission's recommendations. And finally, a CJP intern addressed the juror's need for information. CJP's juror interviews are not only useful to examine in reports but are meaningful to jurors who appreciate the one-on-one interaction and interns' ability to provide information and assistance.

Five thousand juror interviews is also a milestone for CJP and an opportunity to broadly examine the comments and concerns that New York and Kings County jurors have voiced in the courts. This section of the report will present an analysis of the five thousand juror interviews, with a particular focus on the top five most common concerns voiced by jurors: lack of information, summoning, disqualification, employment, and physical environment concerns. This analysis will include discussion on how CJP's findings collude with the Commission on the Jury's findings. Recommendations will follow the analysis of each of the top five concerns.

(B) Overview of the Data Collected

During the time period of April 4, 2000 to June 30, 2004 CJP interviewed 5,281 jurors. These juror interviews were categorized in CJP's database as representing 9,771 concerns. The difference in the numbers is reflective of the fact that jurors' comments are often representative of more than one concern. For example, the following juror's comment, one of the first comments collected

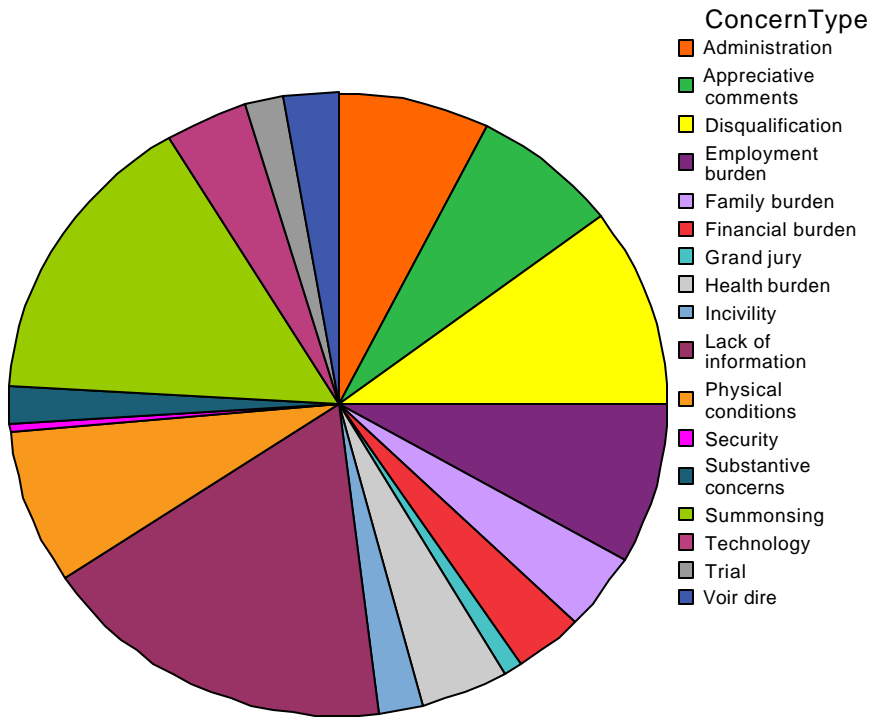
⁸ For example, while serving as mayor, Rudolf Giuliani was the foreman in a \$7 million civil lawsuit.

in the data set, was categorized as representing both a health and an employment concern:

I don't want to postpone, but I'm pregnant and also self-employed and am really not able to do this right now. Plus, in a few months after my child is born, I won't have time to do this. I'd really like some type of excusal. (60 Centre 4/3/2000)

Graph 1 illustrates the percent distribution of each concern type, and the Chart 1 lists the ten most common concerns by frequency and percent of total concerns.

Graph 1. CJP Juror Concerns, 4/3/00 – 6/30/04
Total=9,771



| Chart 1. Top Ten Concerns, Frequency, and Percent of Total Concerns, 4/3/00-6/30/04 | | |
|--|------------------|-------------------------|
| Concern Type | Frequency | Percent of Total |
| Lack of Information | 1,729 | 17.6% |
| Summoning | 1,513 | 15.4% |
| Disqualification | 1,009 | 10.3% |
| Employment | 822 | 8.4% |
| Physical Conditions | 781 | 8% |
| Administration | 723 | 7.4% |
| Appreciative Comments | 713 | 7.3% |
| Health Burden | 421 | 4.3% |
| Familial Concerns | 390 | 4% |
| Technology | 390 | 4% |

The ten most common concerns represent 87% of the total concerns, while the top three concerns (lack of information, summoning, and disqualification concerns) represent 44% of the total. In a sense, the predominance of these concerns may be reflective of when CJP interns speak with jurors. Since CJP's booths are located in or outside of the assembly room, CJP primarily speaks to jurors in the initial phase of their service. Therefore, the prevalence of concerns such as "summoning" and "lack of information" seems predictable. However, it is important to note that CJP interns do not interview jurors until after morning orientation. Further, as the Jury Project and Commission on the Jury have recognized, "...the best information about the actual functioning of the jury system comes from jurors themselves."⁹ Jurors' comments evidence aspects of the process and facilities that can be improved upon.

1) Lack of Information, Summoning, and Disqualification Concerns

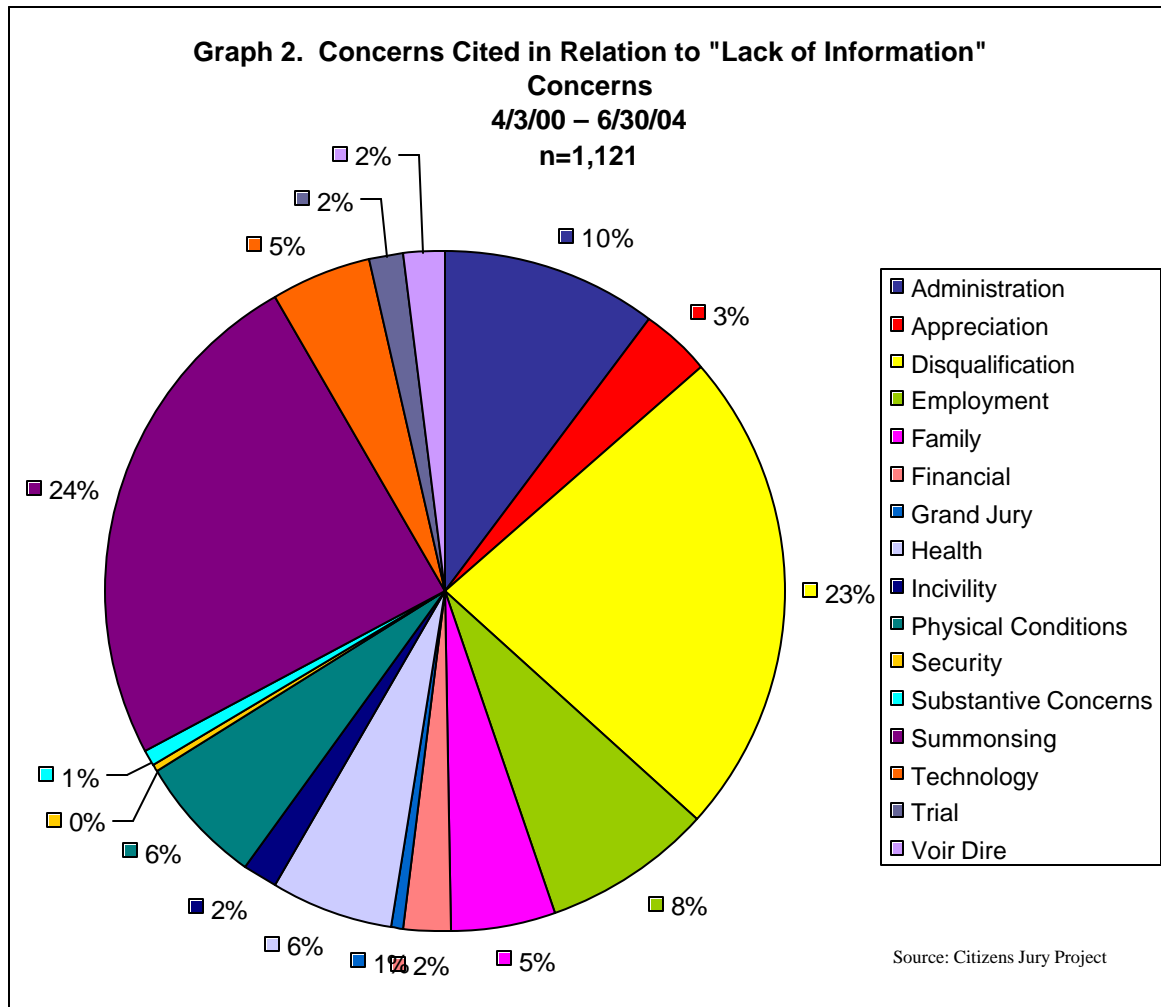
"Lack of information" concerns were the most common concern type voiced by the 5,281 jurors interviewed from April 3, 2000 to June 30, 2004, representing 17.6% of the total. 1,121 jurors who expressed "lack of information" also expressed another primary concern that related to their "lack of information" concern. The following comment exemplifies this type of concern:

I went to English testing and they sent me with this [a juror receipt]. I don't know what I do. Am I wait here. Am I juror? (360 Adams, 6/23/03)

This juror's comments reflect both the "lack of information" concern type and also the "disqualification" concern type. (Although this juror was not disqualified, his proficiency in English was questioned and therefore is categorized under the

⁹ The Commission on the Jury, *supra* note 6 at 21.

“disqualification” concern type.) The following graph illustrates the percent distribution of concerns cited in relation to “lack of information” concerns.



As the graph plainly illustrates, the three most common concern types cited in relation to lack of information are summonsing, disqualification, and administrative concerns. The majority of jurors who approach CJP with “lack of information concerns” were seeking information on how to get a postponement or deferral (19%), followed closely by jurors who had difficulty understanding and communicating in English (14%). (See Appendix A for charts that list the “lack of information” top three concern types and the specific concerns.) These findings are congruent with the Commission on the Jury’s findings and recommendations discussed in the Commission’s Interim Report. Under the general recommendation of “improve communication with jurors,” the Commission recommends:

- “Expanding the current information and education campaign targeted at all citizens, emphasizing both the importance and responsibility of jury service.

- Improving the summons that contains standardized information and regional information relevant to a specific locale.
- Providing jurors with materials in advance of their report date, advising them of any predicable circumstances that may cause inconvenience or delay and providing helpful information about their “downtime.”
- Informing jurors, to the degree permissible, why they are waiting.
- Informing jurors, in a meaningful way, that their service is important even if they are not chosen for a jury or if the case for which they were chosen settles.
- Providing all judges with suggested uniform comments to thank jurors in situations in which cases either settle or conclude with a verdict.
- Continued investigation of issues relating to disqualification or excusal of jurors due to inability to “communicate in and understand” the English language.”

CJP commends the Commission on the Jury for its thorough assessment and the connection that was made between communication to jurors and utilization. CJP suggests that the following recommendations should be considered when acting on the Commission’s recommendations:

- In the process of standardizing the summons, consider using a plain English editor, who can assist with both linguistic and formatting edits.
- In developing a morning orientation template, include information for jurors who cannot “understand and communicate in”¹⁰ English. When feasible, this information should be conveyed in the predominate languages of the county. However, when that is not possible, CJP concurs with the Commission’s recommendation that suggests: “...a written statement in various languages should be provided for distribution at the orientation.”¹¹
- In regard to issues related to communicating with and assessing non-English speaking/multi-lingual jurors, CJP recommends providing multi-lingual information about service ahead of time, via the internet and telephone. Early assessment lessens the burden of service on individuals and improves the efficiency of the system. As discussed earlier, Kings County will soon be offering telephonic, multi-lingual information to summoned jurors. CJP recommends that other linguistically diverse counties follow suit.
- Utilize the resources and knowledge that the field of English as a Second Language (ESL) has developed in relation to assessment and communication with non-English speaking jurors. ESL professionals can help develop language-qualifying interviews and should train (or could develop a training for) court staff on how to properly conduct these interviews. Linguistic professionals can also give the court system good

¹⁰ New York Judiciary Law, § 510.

¹¹ The Commission on the Jury, *supra* note 6 at 49.

estimates about how long language acquisition can take and when it is reasonable to summons a language disqualified juror back to the courts.

2) Employment Concerns

The Citizens Jury Project was developed in response to a recommendation made in the Jury Project's final report, which stated: "Create [an] OCA ombudsman to administer and enforce Judiciary Law Section 519 (prohibiting employers who penalize employees who miss work because of jury service."¹² When CJP staff and interns began to interview and advocate for jurors in the courts, it was quickly realized the jurors' concerns reflect access to justice issues and include but extend beyond employment concerns. That said, employment concerns remain a concern and are the fourth most common comment (representing 8.4% of the total concerns) collected by CJP since April 3, 2000.

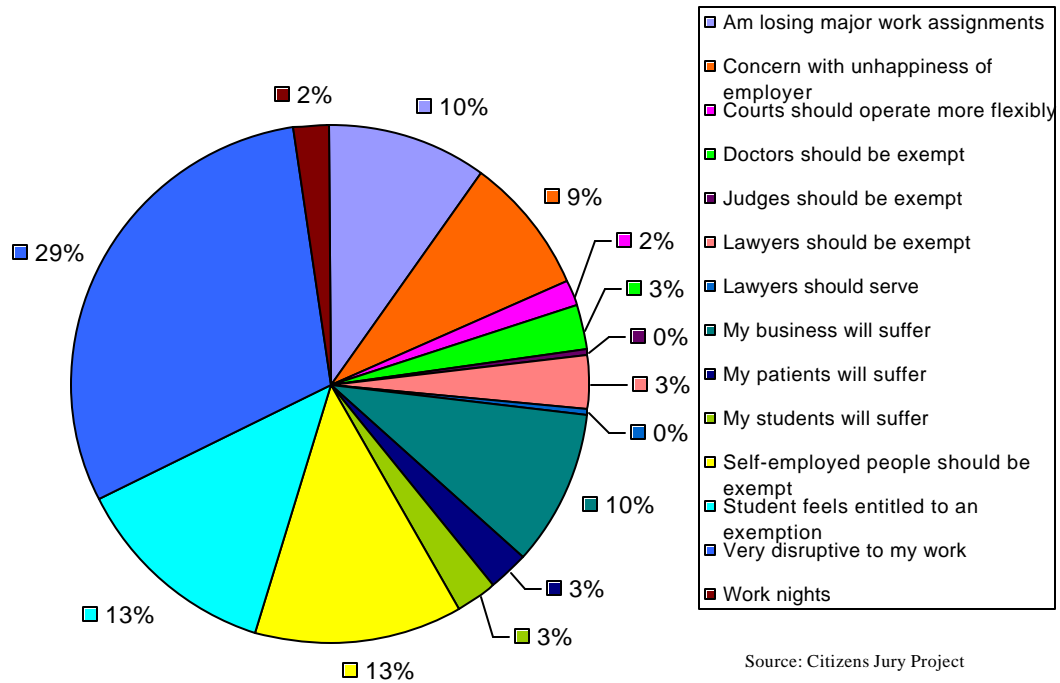
In response to jurors' employment concerns, the Unified Court System has introduced measures that significantly improve the experience employers and employees have within the system. The abolishment of the permanent qualified list and the expansion of the source lists means a more diverse pool of professionals serve and also means that jurors serve shorter terms.¹³ Additionally, employers are now held more accountable for actions that inhibit their employees' ability to serve. In New York and Kings County, for example, juror employment grievance processes have been set up so that jurors' employment concerns are recorded, employees are contacted and informed about the issue and, when necessary, court counsel discusses the issue with the employer. And finally, more information is provided to employers and employees, prior to and during service. For example, OCA's new employment guide, *Jury Service in New York State: A Guide for Employers and Employees* (available at <http://www.nyjuror.gov/general-information/eehandbook.pdf>) is an excellent resource for employers and employed and unemployed jurors.

CJP ran a longitudinal statistical analysis of the employment data but found that it did not show a significant change in jurors' concerns about employment. This is probably because such an analysis is more fitting for survey data, in which a large amount of subjects are consistently surveyed. Looking instead at CJP employment concerns collectively, the following graph illustrates the percent distribution of the 822 employment concerns voiced by New York and Kings County jurors during this time period.

¹² The Jury Project, Report to the Chief Judge of the State of New York, 97 (March 31, 1994).

¹³ Most counties offer a one-day/one-trial term of service. Recently, the Senate and Assembly passed bills (A7518 (Weinstein) and S7247 (DiFrancisco) which, once signed by Governor Pataki will increase the time off between service from four to six years.

Graph 3. Percent Distribution of Employment Concerns, 4/3/00-6/30/04



This graph illustrates that some jurors find service to be very disruptive to their work (bright blue-29%) and that service can cause them to lose major work assignments (lavender-10%). Indeed, the effect work has on their job responsibilities was more of a concern than was their “concern with unhappiness of employer.” Perhaps the Unified Court System’s efforts to inform employers and employees about their rights and responsibilities have increased employers’ knowledge and decreased jurors’ concern about their employers’ reaction to jury service.

Self-employed (yellow-13%) jurors and jurors who are students (aqua – 13%) are the two groups most likely to voice employment concerns to CJP. This may be because both groups face considerable temporal and financial constraints that can inhibit their ability to serve. OCA’s guide for employers and employees is helpful in ameliorating self-employed jurors’ concerns. However, given the particular strain that service puts on self-employed and small business owners, CJP recommends providing both print and electronic information particularly catered to these populations’ concerns. CJP also recommends specifically addressing students’ concerns. Whether they are employed or unemployed, students often have concerns that go beyond the issues discussed in the

employer/employee guide. Students' schedules are unorthodox and instead of having to deal with one employer, they must inform a number of individuals—teachers, classmates, and possibly administrators—about their service. CJP recommends briefly addressing students' concerns during morning orientation and adding some information for students on the Unified Court System's website.

3) Physical Conditions Concerns

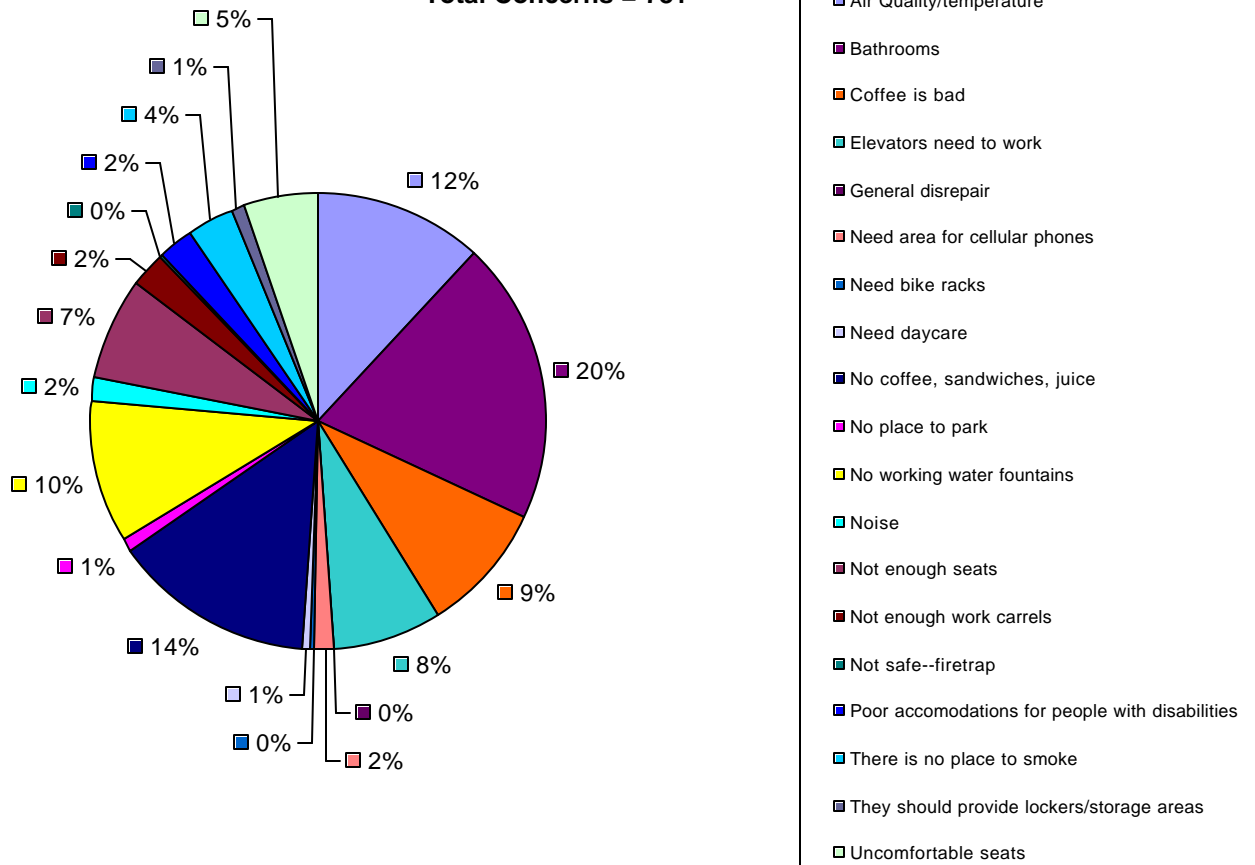
Jurors' experiences within and impressions of the physical environment can affect their ability to participate and their perceptions of the court system. Since the enactment of the Court Facilities Act of 1987, the State has built over forty new court facilities and more than fifty facilities have undergone substantial renovation and expansion. Despite these improvements, courts in counties such as New York and Kings summons thousands of people into their court facilities daily, a factor that particularly affects the older court facilities. The courts in these counties are also owned by the city, which can be challenging from a management perspective.

In examining our data on environmental concerns, CJP again found no longitudinally significance in the data, but viewed collectively, the data suggest that certain aspects of the court facilities are of particular concern. As the chart and graph below illustrate, the top ten environmental concerns comprise the majority of jurors' environmental concerns. These concerns are basic. Jurors want clean, accessible restrooms, and access to coffee, sandwiches, juice, and public water. Based on jurors' responses, it seems that environmental improvements that the court system is currently making to 100 Centre Street, for example, are timely and important to jurors.

| Top Ten Environmental Concerns, 4/3/00-6/30/04 | | |
|---|-----------|---------|
| Concern | Frequency | Percent |
| Bathrooms | 153 | 19.5% |
| No coffee/sandwiches/juice | 109 | 14% |
| Air quality/temperature | 93 | 11.8% |
| No working water fountains | 78 | 10% |
| General disrepair | 76 | 9.8% |
| Elevators need to work | 59 | 7.6% |
| Not enough seats | 55 | 7.1% |
| Uncomfortable seats | 40 | 5.1% |
| There is no place to smoke | 27 | 3.5% |
| Poor accommodations for people with disabilities | 19 | 2.4% |
| Total Count/ Cumulative Percent | 709 | 90.8% |

Graph 4. Percent Distribution of Physical Conditions Concerns, 4/3/00-6/30/04

Total Concerns = 781



Environmental Recommendations:

- Consistently staff the assembly room with one employee whose sole responsibility is cleaning the assembly room and bathrooms and stocking the bathrooms regularly. Brooklyn has begun to staff the assembly room in this manner and the negative environmental comments have decreased.
- Continue to encourage the City to make the necessary plumbing repairs so that water fountains can be turned on again in New York County courts. Until jurors have access to public water through the water fountains, the courts should provide a water cooler for jurors or at least make certain that the vending machines and coffee stand are consistently stocked with water.
- Continue to improve the physical environment for people with disabilities. New York has taken significant steps in promoting access for jurors with disabilities, but court facilities and processes can and must continue to be improved upon. Access for jurors with disabilities promotes fair trials, juror comprehension, positive views of the justice system, and universal design. Accessible court environments and processes benefit us all.¹⁴

¹⁴ For further discussion of and recommendations on access to New York courts facilities and court processes for jurors with disabilities, please see the CJP Fall/Winter 2003 Report on Juror Concerns, available at: <http://www.juryproject.org/Reports/cjp.html>.

3. SUMMARY OF JURORS' COMMENTS FROM NEW YORK AND KINGS COUNTY

(A) Overview of Data Collected

During the time period of March 1- May 31 2004, 20,279 jurors served in 60, 100, and 111 Centre Street courthouses, and 14,351 served in the 360 Adams Street courthouse.¹⁵ As the chart below illustrates, among the courthouses listed, the 360 Adams Street courthouse accommodated the largest number of jurors, while the 60 Centre Street courthouse accommodated the largest number of jurors in New York County.

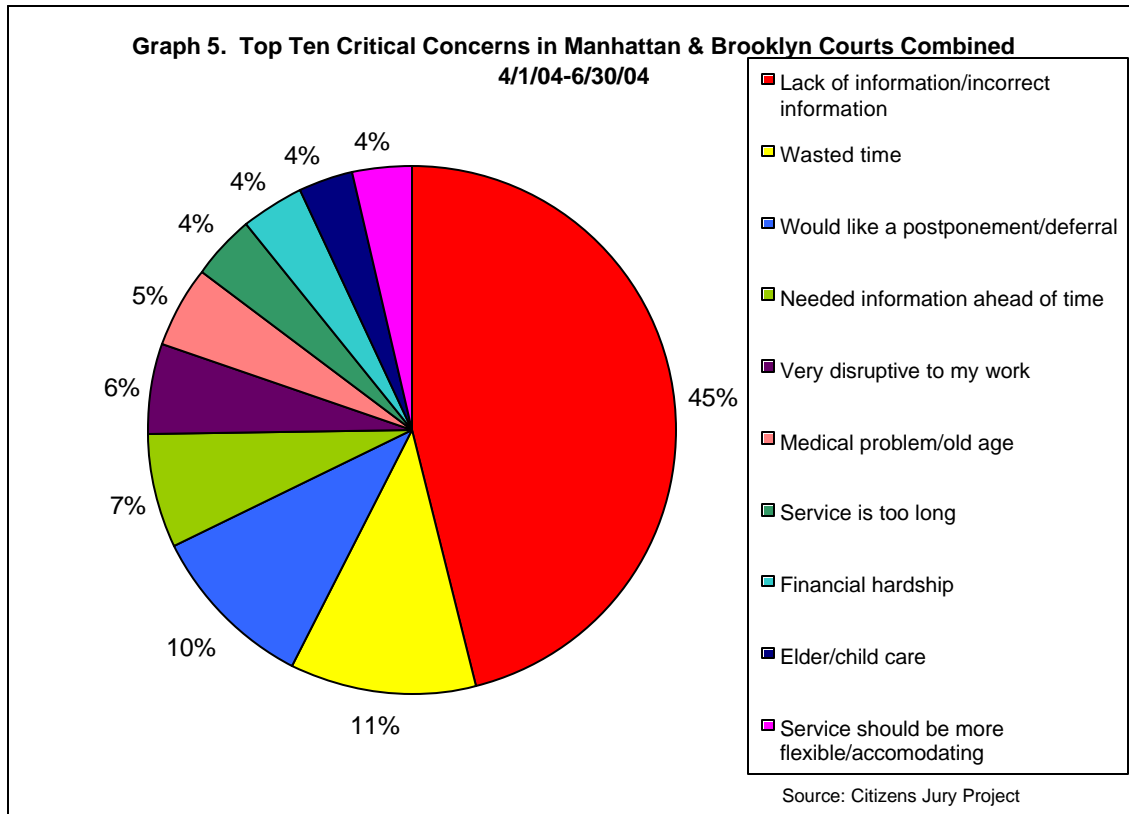
| Total Number of Jurors Who Served by Courthouse 3/1/04 – 5/31/04 | |
|---|--------|
| 60 Centre | 8,878 |
| 100 | 6,522 |
| 111 3 rd fl. | 3,134 |
| 111 11 th fl. | 1,745 |
| 360 Adams Street | 14,351 |

CJP interns spoke with approximately 1.4% of the total jurors who served in the above listed New York and Kings County courts during this past trimester. From a quantitative perspective, this percentage lacks statistical significance. However, the 478 CJP juror interviews conducted during this past trimester provide rich, qualitative data. Compared to other qualitative assessments, such as focus groups, interviews, and testimonials presented to committees or commissions, the number of jurors that interns spoke with and advocated for is sizable. Further, the design of the CJP interview process is advantageous in that interviews are not solicited, interns do not ask leading questions, and the comments provided by jurors are insightful, detailing much more than a number or rating scale can elicit. CJP's qualitative and quantitative research and work are complimentary. Together, both methods of analysis paint a clearer picture of the court environments and processes.

Of the 1,001 comments collected during this past trimester, "lack of information/incorrect information" was the most common concern voiced by jurors. (See Appendix B for the top five appreciative concerns and the twenty-five critical concerns.) Administrative concerns were also frequently commented on, including "wasted time" and "needed information ahead of time." It is important to note that if disqualification concerns were counted among critical concerns, "does not speak English" would be the third most common concern

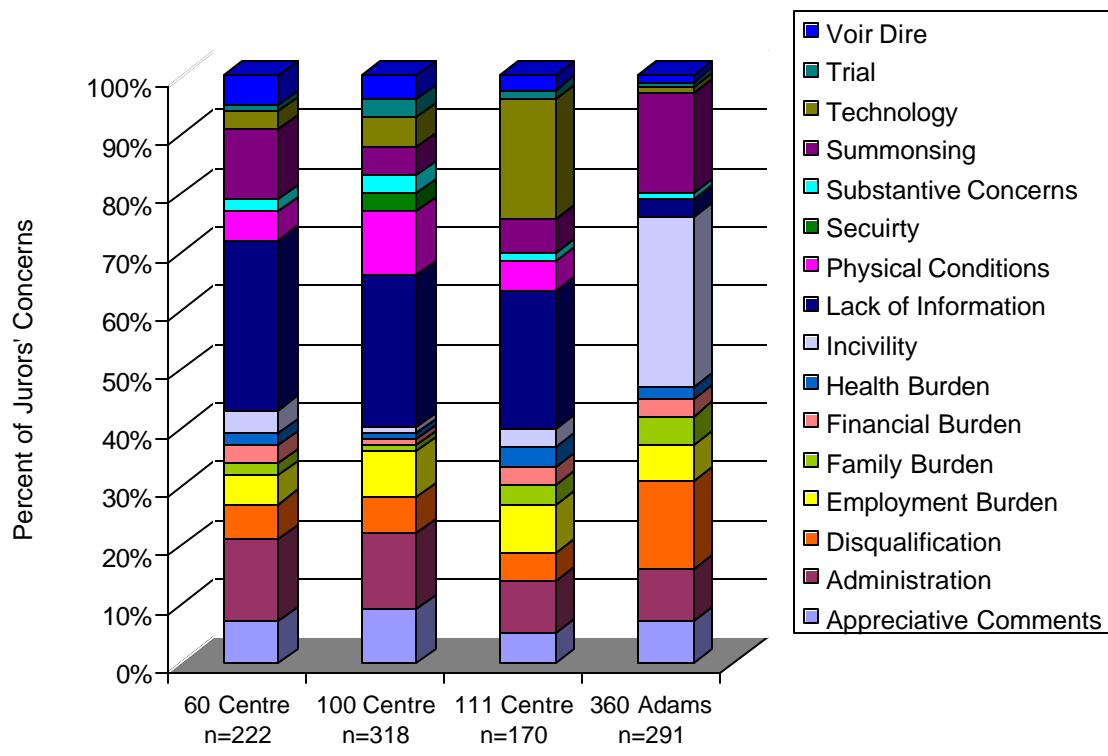
¹⁵ Although this CJP trimester report is based on data collected during April 1, 2004–June 30, 2004, the Office of Court Administration is still collecting the data from the month of June. For this reason, the numbers listed above provide the closest estimation available.

during this past trimester. As it was discussed in the previous section of this report, in the Commission on the Jury’s interim report the connection was made between juror utilization and communication with jurors. As the court system improves its communication and assessment of non-English speaking/multi-lingual jurors, utilization will improve and the administrative burden on the system and individuals will lessen.



A court-specific analysis of juror concerns yields results similar to the combined court analysis discussed above. Congruent with the past four trimester reports, “lack of information” is once again the most common concern expressed by 60, 100, 111 Centre Street jurors and 360 Adams Street jurors (Graph 6 below, bright blue). Jurors also frequently commented on the summoning process (purple) and “wasted time,” the most common administrative concern (maroon). Jurors’ employment (yellow), financial (orange), familial (lime green), and health concerns (dark blue) inhibit their willingness and ability to serve and can evoke particular concern about the efficiency of the process.

Graph 6. Jurors' Total Comments on Courts & Services 4/1/04-6/30/04



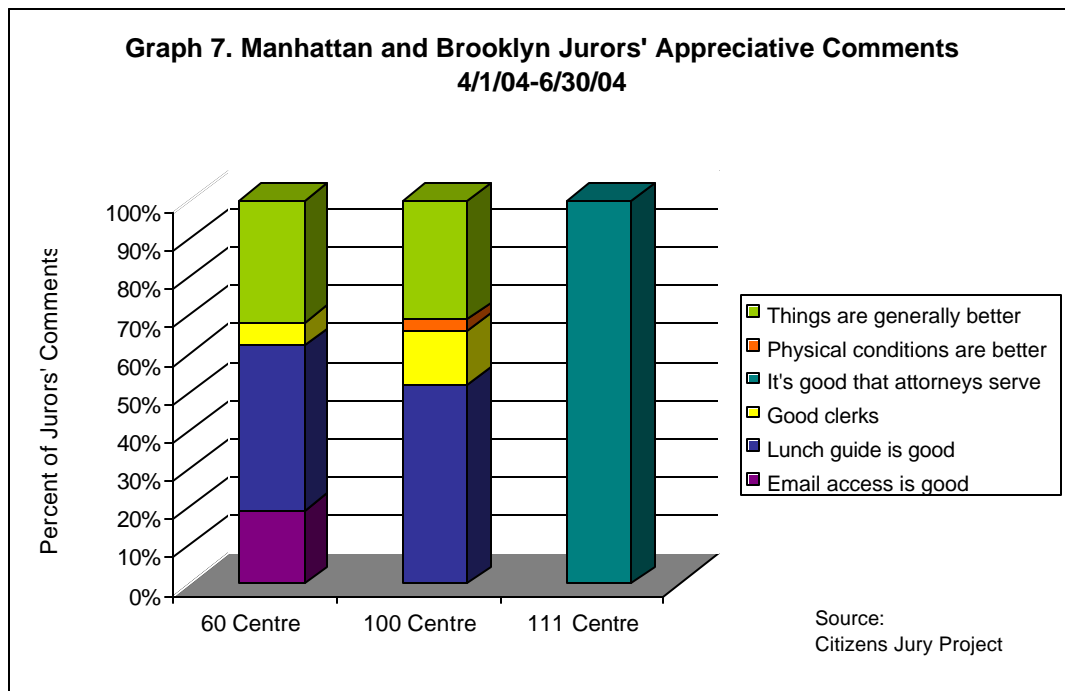
Source: Citizens Jury Project

It is important to note that CJP received an increase New York County “lack of information” concerns, due to a change in the information conveyed to jurors about the number of days they are required to serve. During this past trimester, New York County clerks began informing jurors that their service could last five days even if the juror is not selected to serve on a jury (hereafter referred to as the “five-day rule”). Many jurors commented on the incongruence in the information conveyed to jurors and the summons, which stated, “...if you are not selected for a trial you will usually be released after 2 or 3 days.” This issue increased the number of comments related to jurors needing information ahead of time and jurors’ perception that “service is too long.” Recently, the New York County summons has been changed to read, “You are expected to serve on one trial.” CJP believes that this edit to the summons will not alleviate jurors’ concerns but could instead exacerbate their confusion. While this line on the summons provides no concrete information for jurors who need to make employment and caretaking arrangements, it may also cause jurors to make false assumptions. Jurors who have served in one-day/one-trial systems could assume that the line means that New York County also practices such a system and that they will be dismissed after one day if they are not selected to serve on

a trial. To alleviate this confusion, CJP suggests stating, “you must serve for one trial or for up to five days” on the New York County summons.

(B) Appreciative comments

Jurors praised the improvements that have been made to court environments and processes in New York. Jurors recognize that “things are generally better” (Graph 7, lime green) and are appreciative of the clerks’ (yellow) professionalism. Jurors also commented on the improved courthouse environments (orange) and praised the inclusiveness of the system, noting that it’s good that attorneys serve (spruce).



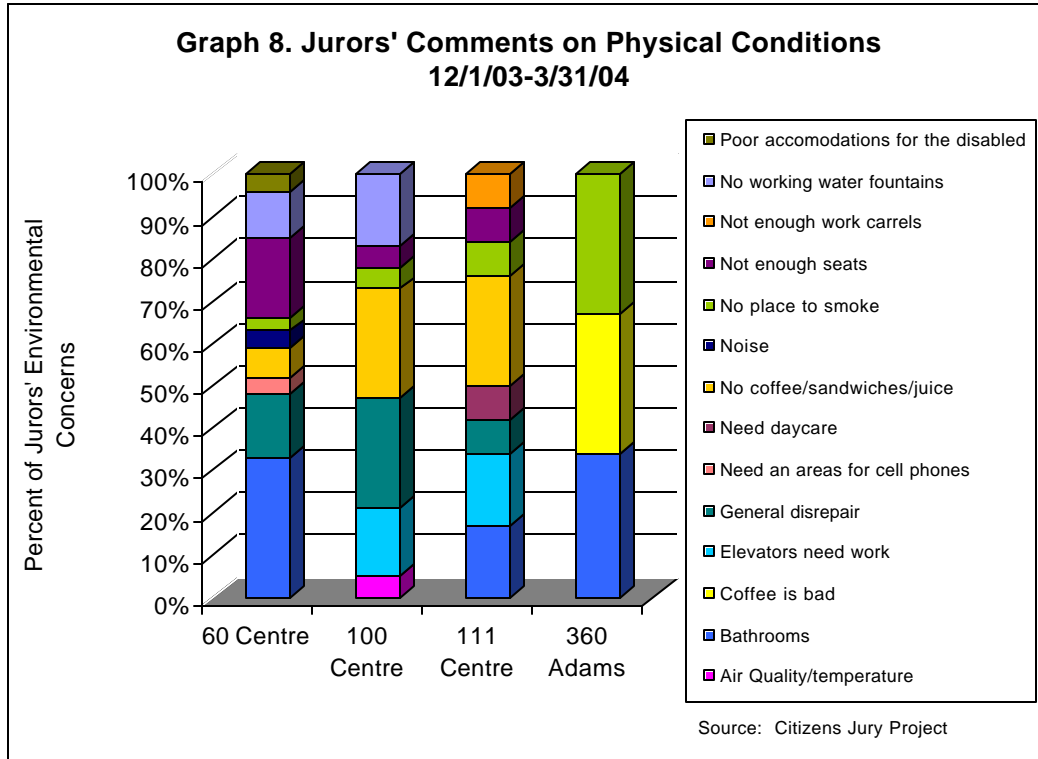
(C) Physical Environment

New York is home to some of the busiest courthouses in the nation, and the state’s trial court filings (excluding town and village courts) exceed all of the federal trial courts in the nation combined.¹⁶ The high demand put on New York courts can create administrative conundrums and can also be detrimental to the courthouse environments, which accommodate thousands of people daily.

The comments collected since 2000 suggest that maintaining court facilities is an unremitting task, while this trimester’s comments point to court-specific environmental improvements, which could make the courts cleaner and more accessible. In the 60 Centre Street courthouse, the upkeep of the bathrooms

¹⁶ Quinton Johnstone, *New York State Courts: Their Structure, Administration, and Reform Possibilities*, 43 N.Y.L.S. SCH. L. REV. 915 (2000).

(bright blue) was jurors' primary environmental concern. Jurors at 100 and 111 Centre Street commented on the lack of accessible coffee, sandwiches and juice (mustard), but also voiced concern about the malfunctioning or overcrowded elevators (light blue) and the general disrepair of the court facilities (spruce). Kings County jurors voiced fewer concerns about the physical environment; suggesting only that the quality of the coffee (yellow) and the upkeep of the restrooms (bright blue) could be improved, and that jurors should be informed about where they are allowed to smoke (lime green).



4. 60 CENTRE STREET

(A) Summary of juror concerns

The 60 Centre Street courthouse opened in 1927 and is now a landmark of neo-Classic court architecture.¹⁷ However, despite the creativity and ingenuity of its chief architect, Guy Lowell, the modern demands on the courthouse could not have been foreseen. 60 Centre is the busiest civil courthouse in the nation and often must accommodate more jurors than any other court in New York County. Court officials and administrators are faced with dilemmas that are particularly problematic in the 60 Centre courthouse: how do you accommodate thousands of court users in a facility that was built for a fraction of the caseload that it regularly serves? How does the court accommodate a variety of court users when the facility was built at a time when accessibility was not an architectural consideration?¹⁸

Jurors appreciative comments reveal that one way 60 Centre addresses environmental and procedural concerns is by employing staff people who are industrious, kind, and informative:

The women in there are great. They are so personable. They're doing a good job keeping us informed. (4/7/04)

Jurors' comments also suggest that the court system's concerted efforts to improve the jury system and the court environments are recognized and appreciated:

This time is definitely much better than last time I served, about four years ago. (5/19/04)

| Top Juror Concerns—60 Centre Street 4/01/04 – 6/30/04 (Total Concerns = 222) | |
|---|--------------|
| Top Appreciative Comments | Count |
| Lunch guide is good | 7 |
| Things are generally better | 5 |
| Email access is good | 3 |
| Good clerks | 1 |

¹⁷ Mary B. Dierickx, *the Architecture of Public Justice*, 77 (New York Department of General Services, 1993).

¹⁸ Both New York State and New York County have made significant improvements to the accessibility of court facilities and processes. For an analysis of and recommendations related to 60 Centre Street's accessibility, please see CJP's Fall/Winter 2003 Report on Juror Concerns, available online: <http://www.moderncourts.org/Publications/pdf/cjp/Dec03Report.pdf>

| Top 10 Critical Concerns | Count |
|---|-------|
| Lack of information/incorrect information | 56 |
| Wasted time | 15 |
| Would like a postponement/dismissal | 7 |
| Service is too long | 6 |
| Improve technology | 6 |
| Bathrooms | 6 |
| Time wasted by attorneys | 5 |
| Very disruptive to my work | 5 |
| Not dismissed when promised | 4 |
| Service should be more flexible/accommodating | 4 |

The chart above illustrates that a clear majority of the two hundred and twenty-two juror concerns collected at 60 Centre relate to “lack of information,” both before and during service. Jurors’ second-most common concern was “wasted time.” The Commission on the Jury’s recommendations to improve communication with jurors will help to ameliorate jurors’ concerns in both categories. Providing jurors with more information before and during the process can promote administrative efficiency and lessen jurors’ perception of wasted time.

(B) Breakdown of juror concerns

1) Physical Conditions Concerns

| 60 Centre: Physical Conditions | Count |
|--------------------------------|-------|
| Bathrooms | 6 |
| Not enough seats | 3 |
| Air quality/temperature | 1 |
| Noise | 1 |
| No coffee/sandwiches/juice | 1 |

The bathrooms need to be cleaned. Every floor—they’re really dirty.
(6/3/04)

Consistent with past reports, the upkeep of the bathrooms at 60 Centre Street was jurors’ most common environmental concern. The large amount of jurors summoned each day accounts for the difficulty of cleaning and maintaining the facilities.

Despite the large number of jurors who arrive at the 60 Centre Street courthouse, the assembly room can usually seat a majority of the jurors. However, jurors’ comments suggest that on occasion there is not enough space for all of the jurors called:

This is what is wrong with jury duty--me, sitting in a phone booth, eating my breakfast. (6/21/04)

To lessen juror hardship, when the assembly room is full CJP recommends removing and rearranging some court furniture so that all jurors can sit.

2) Summoning Concerns

| 60 Centre: Summoning | Count |
|---|--------------|
| Would like a postponement/deferral | 7 |
| Disproportionate summoning | 4 |
| In non-compliance | 4 |
| Summoned within 2 years of previous service | 4 |
| Problems with name or address | 2 |

The majority of the jurors who made comments about summoning were seeking a postponement or deferral. Other jurors commented on disproportionate summoning, including being summoned within two years of their previous service. Non-compliant jurors who spoke with CJP either had a distinct concern related to their non-compliance or wanted information and advice about the process.

I am a diabetic and was called to serve a number of times. I can't serve because I need to drink water all the time and pee frequently. I went to a non-compliance hearing and the judge said I had to serve, regardless. I served one day and tried not to drink much. The next day I was in the hospital dehydrated. I need to be permanently excused from service. I can't do this again. (5/6/04)

Hi, I'm calling you because the court system's phone network keeps hanging up on me. I have just received a non-compliance notice and don't know whether it is a good idea to go through with the hearing or just admit my non-compliance beforehand. What should I do? Where can I go to speak with someone about this? (5/25/04)

3) Lack of Information Concerns

| 60 Centre: Lack of Information | Count |
|---|--------------|
| Lack of information/incorrect information | 56 |
| Needed directions to the courthouse | 4 |
| Needed information ahead of time | 3 |

“Lack of information” was again the most common critical concern expressed by jurors at 60 Centre Street during this trimester. These concerns were primarily

expressed by three groups of jurors. First, a number of jurors complained about the five-day rule (discussed in section 3A of this report).

I deferred until next week because some of my friends are coming in town and the clerks kept saying this will last five days. I don't understand, my friend came to serve few weeks ago and told me it lasted two to three days only... (5/17/04)

The second group of jurors who expressed “lack of information” concerns were those who wanted to know more about the process of service and felt ill-informed. The jurors’ concerns underscore the need for the recently initiated OCA/CJP morning orientation study.

Tell me what happens to you when you're not called for a case. This is my second day. (4/21/04)

I am supposed to start serving on a trial today? They say the trial will start at 11. What do I do? Should I just wait here? (4/14/04)

Non-English speaking jurors and their translators comprised the third group of jurors with “lack of information” concerns. These individuals voiced 30% of the total concerns collected at 60 Centre. Non-English speaking jurors’ translated comments suggest that many have a desire to serve but also a concern about their ability to understand and communicate.

[Spoken in Mandarin]

I was listening to the clerk's introduction. I only understand maybe half of what he said. I really want to do this, but I am afraid that all I can say is "yes" and "no" during the trial. (5/5/04)

English speaking jurors also comment on the lack of information provided to multi-lingual/non-English speaking jurors:

It's unfair to people with a language problem - without a translator, those people have no chance to serve, and in addition, why waste these people's time by making them sit til 5 PM - 3 days or more? (6/9/04)

New York County should follow Kings County’s lead and provide telephonic, multi-lingual information in the county’s predominant languages. Providing adequate, multi-lingual information prior to service promotes systemic efficiency and conveys respect.

4) Administration & Technology Concerns

| 60 Centre: Administration | Count |
|---|-------|
| Wasted time | 15 |
| Service is too long | 6 |
| Not dismissed when promised | 4 |
| Service should be more flexible/accommodating | 4 |
| Adopt a one-day-one-trial rule | 2 |

| 60 Centre: Technology | Count |
|--------------------------------|-------|
| Improve technology | 6 |
| Need more phones | 1 |
| Process does not start on time | 1 |
| Should have a call-in system | 1 |

The majority of the administration comments collected during this past trimester related to the five-day rule and jurors' perception of wasted time:

They said we have to stay here for five days, is that true? That is insane, I am self-employed, they can't do that to me, how am I going to be reimbursed?! I can't even be here by 8:30 every morning. So what are the chances they'll call me any time soon? Do I just sit there and wait?

(5/10/04)

Why do we have to wait so long all day? It's such a waste of time. The government spends all this money. Yesterday, they sent 50 of us back and forth, only to be told there was no case. Why did she send us there when she knew there was no case? Again today, we're here. We're probably not going to get picked. (4/21/04)

They call us for a panel and we just sit there, waiting for the attorneys, and then we don't get chosen - and all the people waiting to be called - they could be out there working and contributing thousands of dollars. It's just so inefficient to make people wait here. (6/30/04)

Some jurors interviewed by CJP interns suggest that the system could employ jury trial innovations, such as the one-day/one-trial system and the call-in system:

In Pennsylvania's Montgomery County they're doing one day one trial model. That's much better. You get called in one day, sit through it, and if you're not selected you can go home. The system here is already better. They're making it much more comfortable. But I think there is room for improvement. (4/7/04)

I think there should be a call-in system. I am a freelancer and I don't get paid if I am not working! It's a waste of time for me...(4/7/04)

With a cognizance that jurors' administrative concerns can be improved by utilizing technology, the Commission on the Jury made the following technology/administrative recommendations in its interim report:

- "In counties where feasible, staggering juror reporting times and permitting jurors to be on "2-hour" call either by beeper or cell phone."¹⁹
- "Offering Internet access in every facility where practical."²⁰

As discussed in section 1B of this report, the Office of Court Administration will pilot the free Internet access program in fourteen counties and is currently considering the feasibility of beeper/cell phone stand by recommendation.

4) Voir Dire Concerns

| 60 Centre: Voir Dire | Count |
|--------------------------------------|-------|
| Time wasted by attorneys | 5 |
| Too many people called/dismissed | 2 |
| Civil voir dire should be supervised | 1 |
| Intrusive personal questions | 1 |
| Voir dire should be eliminated | 1 |

60 Centre Street jurors' voir dire comments typically center on jurors' desire to be chosen for a case and inefficiencies with the administration of civil voir dire.

This is my third day now. Do I just wait here for a roll call? I've been on two jury selections. Both were very interesting. The second one was very complex. I wish I could serve. (5/5/04)

This is my 3rd day here; we've been through 2 voir dire already. I don't like the attorneys. They just read and read. Yesterday, they just put us in the room and we sat until 1 pm. Nobody told us anything, we just sat there. There was a room change and no one says anything. (4/21/04)

The Commission on the Jury's recommendations related to civil voir dire will help to ameliorate many of the efficiency concerns that jurors express. One of the primary recommendations made by the Commission is that J.H.O.s should receive more training and increase their supervision of the process. This may have a positive effect, however, the New York Civil Voir Dire study confirmed that

¹⁹ The Commission on the Jury, *supra* note 6 at 6.

²⁰ *Id.* at 12.

the most efficient voir dres are conducted by judges.²¹ Juror comments illustrate the administrative inefficiencies that can be overlooked by JHO's. For example, jurors note that the questioning process is inefficient and the questionnaires are not used effectively.

...The attorneys ask very leading questions. Why go through the questionnaire again? ... (4/21/04)

Jurors' comments also illustrate administrative issues that would be uncommon if the process was judicially supervised.

There is some confusion between the lawyers and jury room as to what procedure is specifically with ballots. On my 1st day after a voir dire, I was dismissed back to the jury room but the lawyer said he wasn't supposed to return the ballot, so I had to go back and interrupt. 2nd day, while lawyers were discussing w/ each other they sent us back up to the jury room. Everyone waiting was then dismissed so we asked what we were supposed to do and was told that we should never have left the courtroom at all. By now the room was being locked and some people disappeared altogether (I hope they weren't penalized). Again the lawyer assured me he wasn't supposed to return my ballot, he was positive that they had told him to keep and return the ballot. This morning, I arrived to discover that I had in fact been dismissed at the end of yesterday, but since I hadn't returned my ballot, no one had told me! (6/2/04)

CJP recommends encouraging lawyers to review the questionnaires before jurors are seated in the empanelling room or courtroom. CJP also recommends that judges and J.H.O.s increase their involvement in civil voir dres, to expedite the process and guard against unnecessary excusals.

5) Employment Concerns

| 60 Centre: Employment/Financial Burden | Count |
|---|--------------|
| Very disruptive to my work | 5 |
| Financial hardship | 3 |
| My business will suffer | 2 |
| Am losing major work assignments | 1 |
| Lawyers should be exempt | 1 |
| Only get paid for hours worked | 1 |

²¹ In 1995, the *Report on the Civil Voir Dire Study*, examined data on civil voir dres that was collected from courts in diverse locations (urban, suburban, and rural) from January 30-May 19, 1995. The report, authored by Chief Judge Judith S. Kaye and then Chief Administrative Judge E. Leo Milonas, concluded: "Judicial involvement in the selection of civil juries clearly affected both the efficiency and perceived fairness of voir dres, and some level of judicial supervision was supported by a majority of judges and attorneys" Hon. Judith S. Kaye, Hon. E. Leo Milonas, Report on the Civil Voir Dire Study (1995).

| | |
|---------------------------------------|---|
| Self-employed people should be exempt | 1 |
|---------------------------------------|---|

The most common juror employment comment was that jury service is “very disruptive to my work.” This issue is being addressed by offering Internet services to jurors at 60 Centre, who can work while they wait in the assembly room area. This concern can also be addressed by the continued distribution of OCA’s employer/employee handbook and by discussing employment and financial concerns during morning orientation.

6) Familial & Health Concerns

| 60 Centre: Family/Health Burden | Count |
|--|-------|
| Medical problem/old age | 4 |
| Elder/child care | 2 |
| Work from home to be with children, elderly, or person with a disability | 2 |
| Need to pick up children | 1 |

Caretakers of children and the elderly often have unorthodox and demanding schedules that can inhibit their ability to serve. Their hectic schedules heighten the need to provide caretakers with information prior to service.

I have a question. What do you do if you have small children? I don't know what to do--I have nobody who can take care of them. I postponed three times already, and now my summons reads 'must serve'. Also, I am a student and I have class today at 4:30. (5/10/04)

Providing information online, in print, and during orientation can help to ease caretakers’ concerns.

(C) Recommendations

1. Physical Environment:

- Consistently staff the assembly room with one employee whose sole responsibility is cleaning the assembly room and bathrooms, and stocking the bathrooms regularly.
- Clean and maintain bathrooms on a regular basis--at least two to three times daily.
- Provide a water cooler for jurors or at least make certain that the vending machines and coffee stand are consistently stocked with water. Until the water is tested and the water fountains in the courthouse are repaired, jurors need to have access to bottled water.

2. Summoning:
 - Modify the map and information on the summons to illustrate that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.
 - Revise the sentence on the summons that currently states, “You are expected to serve on one trial” to “You must serve for one trial or up to five days.”
3. 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 on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.
4. Administration
 - Give jurors more comprehensive information about jury service during morning orientation and throughout process.
 - Consistently provide information for jurors with disabilities during morning orientation.
 - Address non-English speakers during morning orientation, and let them know that they can report to room 139 for a language interview. If possible, convey this information in the languages other than English that are predominant in New York County. When that is infeasible, follow the Commission on the Jury’s recommendation, “...a written statement in various languages should be provided for distribution at the orientation.”²²
 - Start calling jurors to voir dire early, and start cases punctually.
 - Collect surveys from jurors before calling them to the empanelling room or courtroom, and do not call jurors until the lawyers have reviewed the surveys.
 - Conduct a pilot project in which all voir dire are judicially supervised. The Jury Trial Project made this recommendation in its final report in 1994. Ten years later, the recommendation remains valid: judicial supervision could prove to be less administratively beneficial, not detrimental.

²² The Commission on the Jury, *supra* note 6 at 40.

5. 100 CENTRE STREET

(A) Summary of juror concerns

The 100 Centre Street courthouse was built in 1941, the year the United States entered World War II and the year many economists and historians suggest was the end of the Great Depression. The contrast between the 60 Centre Street courthouse—built in 1927, two years before the stock market crash—and 100 Centre is palpable. 100 Centre Street is a more contemporary and practical building, with wide hallways, ample courtrooms, and modern accoutrements built into the facility. Yet 100 Centre Street accommodates thousands of people daily, and the heavy caseload takes its toll on the facility.

Jurors' comments collected at 100 Centre Street reflect their cognizance of and appreciation for reforms and facilities improvements that have been introduced:

I've served 6 times in the past 20 years and I have to say that things have improved. (5/3/04)

The renovations that are currently underway at 100 Centre will promote the comfort and accessibility of the courthouse and will reinforce jurors' positive perception of the system. Another positive reinforcement is the 100 Centre staff, who clearly convey information in a manner that makes service enjoyable:

I have to say the process is very smooth. The clerk is helpful and entertaining, which is good. The information provided is thorough. (4/19/04)

Very nice staff in the jury room! (5/19/04)

The guy in the podium (Walter) he's really great, really a New Yorker and such a comedian. (5/19/04)

Parallel to the juror concerns collected in other courts, "lack of information" is the most frequently mentioned juror concern at 100 Centre. Jurors also commented on wasted time and the financial hardship and health concerns that may impede their ability to serve. The current renovations will directly address jurors' primary environmental concerns, the elevators and the bathrooms.

| Top Juror Concerns—100 Centre Street | |
|--------------------------------------|-------|
| 4/01/04-6/30/04 | |
| (Total Concerns =318) | |
| Top Appreciative Comments | Count |
| Lunch guide is good | 15 |
| Things are generally better | 9 |

| | |
|---|--------------|
| Good clerks | 4 |
| Physical conditions are better | 1 |
| Top 10 Critical Concerns | Count |
| Lack of information/incorrect information | 67 |
| Wasted time | 22 |
| Needed information ahead of time | 12 |
| Very disruptive to my work | 11 |
| Elevators need work | 7 |
| Service should be more flexible/accommodating | 7 |
| Service is too long | 7 |
| Bathrooms | 6 |
| Financial hardship | 6 |
| Medical problem/old age | 6 |

(B) Breakdown of juror concerns

1) Environmental Concerns

| 100 Centre: Physical Conditions | Count |
|--|--------------|
| Elevators need to work | 7 |
| Bathrooms | 6 |
| Air quality/temperature | 5 |
| General disrepair | 4 |
| No coffee/sandwiches/juice | 3 |
| Coffee is bad | 2 |
| Uncomfortable seats | 2 |
| Not enough seats | 1 |
| Not enough work carrels | 1 |
| No working water fountains | 1 |

Jurors' concerns about the physical environment centered on the general disrepair of the facility and specific concerns, such as uncomfortable seating and malfunctioning elevators. These concerns will be ameliorated once the renovation of the 15th floor and the ongoing elevator renovation project are complete.

I have something to say. This building is dirty. There are cockroaches everywhere. The elevators are terrible. (5/17/04)

...The chairs are really uncomfortable, especially for those, like me, with back problems. (4/19/04)

Elevators are too slow. It took me 10 minutes to get up here. The elevator keeps starting and stopping, the doors wouldn't close. [...] But things are a little better. We can sit out here, there are desks for working, etc. (6/30/04)

2) Summoning Concerns

| 100 Centre: Summoning | Count |
|--|-------|
| Would like a postponement/deferral | 6 |
| Not fair—some people never get called | 2 |
| Received multiple summonses | 2 |
| In non-compliance | 1 |
| Problem with payment | 1 |
| Problem with name or address | 1 |
| Switch civil to criminal or vice-versa | 1 |

Congruent with the last trimester report, jurors at 100 Centre expressed relatively few summoning concerns. Most jurors who approached the CJP booth were interested in obtaining a postponement or deferral. Other jurors' comments suggested that the summons should be as explicit as possible about the length of service.

One suggestion is that when we get the summons in the mail they should notify the individual how long the jury service will be, just so the juror will be prepared. (5/21/04)

As CJP discussed earlier in this report, we suggest stating, "you must serve for one trial or for up to five days." This will give jurors a sense of the parameters of service without setting up a false expectation.

3) Lack of Information Concerns

| 100 Centre: Lack of Information | Count |
|---|-------|
| Lack of Information/incorrect information | 67 |
| Needed information ahead of time | 12 |
| Needed directions to the courthouse | 2 |

Like the concerns collected at 60 Centre, many of the 100 Centre Street "lack of information" concerns were about the five-day rule and the disparity that existed between the information provided on the summons and the information stated by the clerks.

I was summoned for jury duty on 5/19/04, so I cleared my schedule for this one day only. Accordingly, I made appointments in my calendar for the next 2 days. I work on 100% commission. It should be noted on the

summons that you will be here for a minimum of 3 days, probably 5 days?!
(5/19/04)

Some jurors expressed “lack of information” concerns that indicate a need for more information about the voir dire process and a basic schedule of the day for jurors during morning orientation.

**I was just called to voir dire. If I don't get chosen am I done for the day?
How many times can I go through this?** (6/16/04)

Other jurors conveyed to CJP interns that they lacked the ability to understand and communicate in English, and that they were confused by the process.

Are you Chinese?

[Intern comment: Yes, I speak Mandarin.]

Where do I go now if they've called my name? Do I just wait outside until they tell me where to go? How do you know if you're dismissed (from the whole process?) How do you know when it ends? [All spoken in Chinese.]
(100 Centre, 6/17)

Even jurors who speak English quite well express some concern about cultural differences and a lack of knowledge about the American court process.

You know, I am concerned about my English. I am from a foreign country [Poland] and I don't think I will understand everything that the judge or the attorneys will ask me or talk about. (4/5/04)

These comments underscore the need to provide a thorough explanation of the process during morning orientation.

4) Administrative Concerns

| 100 Centre: Administration | Count |
|---|--------------|
| Wasted time | 20 |
| Service is too long | 7 |
| Service should be more flexible/accommodating | 7 |
| Not dismissed when promised | 3 |
| Not enough cases for jurors | 2 |
| Process does not start on time | 1 |

“Wasted time” is the administrative concern most frequently voiced by jurors at 100 Centre. Certain professionals, such as doctors and clinicians, have concerns that extend beyond their personal lives to the health of their patients. For these professionals, systemic inefficiency and lack of information about the

parameters of service may be particularly frustrating and detrimental to them and their patients.

I have a complaint. I'm a psychotherapist and I have patients for trauma, suicide, and I'm on call right now. They told us we have to be here for five days - if I'm not getting called on a case, it's just absurd for me to come back and sit here every day. I have to go home at five and then meet with my patients until late. I'm not against jury duty, I know I have to serve and I know they just eliminated occupational exemptions, but it's ridiculous for me to be here. If they're going to dismiss us after three days if we're not on a case, then they should tell us that instead of five days. I'm not against serving. I just want the truth. If they dismiss me after three days, if I'm not on a case, I'll still report here if they told me to, I just need to know these things. (6/17/04)

5) Security Concerns

| 100 Centre: Security | Count |
|--|-------|
| Long security line | 4 |
| Court officers are unhelpful | 1 |
| Jurors should have a separate entrance | 1 |
| Metal detectors not working well | 1 |

CJP rarely receives security concerns from jurors, indeed, security concerns represented only .5% of the total concerns collected from April 3, 2000 to June 30, 2004. Therefore, when CJP does receive comments about security, it is important to flag these concerns:

OK, first of all if they expect us to be here on time, then they'd better do something about those lines downstairs...I've been there waiting for almost an hour this morning!! I am not coming here two hours earlier tomorrow just to pass security! (4/19/04)

I think you should have a dedicated entrance for jurors in this building, lines are unbelievable! (4/19/04)

Although most of the concerns related to the time spent waiting in the security line, one juror complained that the security assessment is inconsistent.

The security downstairs differs a lot. Sometimes they take everything out from your bag and sometimes they just chat with other guards and pay no attention. (5/17/04)

6) Voir Dire Concerns

| 100 Centre: Voir Dire Concerns | Count |
|---|-------|
| Never called for voir dire | 2 |
| Object to name being called in front of defendants during voir dire | 2 |
| Too many people called/dismissed during voir dire | 2 |
| Intrusive personal questions during voir dire | 1 |
| Made to wait in hallway before/during voir dire | 1 |
| Should be a prescreening process | 1 |
| Time wasted by attorneys during voir dire | 1 |

The issues that 100 Centre Street jurors bring up about criminal voir dire typically do not relate to administrative inefficiency, but instead, juror comments often relate to privacy concerns or jurors' desire to be called to voir dire. However, during this past trimester, some jurors complained about administrative delays.

...When a panel is called, it is often left in a hallway with inadequate seating for upwards of an hour. I have been released for lunch from a hallway only to return to the hallway and wait for a judge or lawyer who has taken a longer lunch. I am not here by choice and I certainly do not appreciate being demeaned and uncomfortable. (5/19/04)

Like the Commission on the Jury, CJP discourages leaving jurors to wait in the hallways rather than the assembly room and encourages punctuality.

7) Trial Concerns

| 100 Centre: Trial Concerns | Count |
|---|-------|
| Trial was a bad experience | 3 |
| Wasted time during trial | 2 |
| Jury disbanded, case settled after waiting | 1 |
| Lack of information about delays during trial | 1 |
| Other jurors are late during trial | 1 |

During this past trimester, 100 Centre Street jurors privacy concerns were discussed in relation to trials as opposed to the voir dire process.

I am serving on a jury right now and the other jurors and I feel uncomfortable that the defendant sits in the hall, on the benches alongside us. No one is talking with or intimidating others. We just feel uncomfortable. (6/24/04)

New York has established strong administrative safeguards to protect juror privacy but CJP suggests that, in addition to these safeguards, jurors should be routinely informed about their rights and responsibilities during voir dire, opening, and closing instructions.²³ The Commission on the Jury is currently analyzing the issue of juror privacy further and will propose recommendations that further the goal of balancing jurors' privacy interests with the defendants' constitutional rights and the First Amendment right of the press to access and report on court proceedings.

8) Employment Concerns

| 100 Centre: Employment Burden | Count |
|---------------------------------------|-------|
| Very disruptive to my work | 11 |
| My patients will suffer | 5 |
| Self-employed people should be exempt | 4 |
| My business will suffer | 3 |
| Concern with employer's unhappiness | 1 |
| Doctors should be exempt | 1 |
| Lawyers should be exempt | 1 |
| My students will suffer | 1 |

Jurors at 100 Centre expressed a considerable amount of employment and financial concerns. Doctors were the professionals who voiced the majority of the concerns. Doctors stated that they were concerned about the welfare of their patients, the demands of their practice, and some said that service was a waste of their time because they would not be chosen to serve on a jury.

I am a practicing MD, I think it's an absolute waste of time for me to stay here. It seems to me pretty obvious that because of my job and my responsibilities they will never select me in a criminal trial, especially considering the average length of them. What I suggest is that at least they call me in a civil court, where they deal with contract cases and trials are shorter. (4/19/04)

I am a doctor. I have had to postpone previously due to emergencies, death in the family, etc. Now, my associate just left my practice. I need to tend to my patients. Serving now would be an extreme hardship, but it says non-compliant on my summons. I am not trying to evade serving, but this is a serious issue for me right now. (6/16/04)

²³ As CJP recommended in its Spring 2003 Report on Juror Concerns, which focuses on the issue of juror privacy, the court system should create standards that guide the procedure by which judges (and lawyers, when voir dire is unsupervised) address jurors privacy concerns. This report is available at: <http://www.juryproject.org/reports.html>.

Small business owners and self-employed workers also voiced concern about the effect that jury service has on their employment responsibilities.

I just opened my business literally last Saturday. I can't afford to be here. I'd really like to serve but I can't. It's my second day and yesterday the judge told me "good luck" and let me go. Can I just leave now? I don't care if I have to pay the fine. I have business to take care of. (5/12/04)

9) Financial Concerns

| 100 Centre: Financial Burden | Count |
|--------------------------------|-------|
| Financial hardship | 6 |
| Only get paid for hours worked | 3 |
| Pay is not enough | 1 |
| Severe financial hardship | 1 |

Employment and financial concerns are often interrelated. As discussed in previous trimester reports, one way to lessen the financial burden that service can have on non-salaried workers is to expedite the payment process. In a report entitled "The Promise and Challenges of Jury System Technology," G.T. Munsterman and Paula L. Hannaford-Agor discuss various state payment systems and cite the Superior Court of the District of Columbia as an example of a court that has modified an ATM machine to dispense payment, receipts, and proofs of service once jurors' service is complete. This service would be administratively beneficial and also a benefit to jurors who would appreciate the juror pay upfront, an automated thank you at the end of their service.

10) Technology Concerns

| 100 Centre: Technology | Count |
|-------------------------------------|-------|
| Improve technology | 4 |
| Need phone lines for computers | 2 |
| Should have call-in system | 3 |
| Faulty phone-in system during trial | 1 |
| Information phone lines always busy | 1 |
| No computer roll call in voir dire | 1 |

Technology is also advantageous to jurors in that it allows jurors to work while they wait and communicate with people outside the courthouse doors. Jurors commenting on technology at 100 Centre expressed cognizance of the wireless service offered at 60 Centre and requested the same service at 100 Centre. Jurors also suggested that a call-in system would be advantageous. Although a call-in system is feasible in many of New York's counties, it is particularly difficult

in New York County, which has both a high call rate and a high utilization rate and transportation issues that are unique to urban environments.

11) Health and Familial Concerns

| 100 Centre: Family/Health Burden | |
|----------------------------------|---|
| Medical problem/old age | 6 |
| Elder/child care | 2 |
| Elderly should not have to serve | 2 |

Unlike previous trimesters, the category “medical problem/old age,” comprised the majority of the familial and health related concerns. Such concerns can be particularly difficult to assess when mental health conditions are the primary condition or are combined with physical health issues.

I have a hearing problem. I already got dismissed from a jury yesterday, they told me that I can get a hearing aid but I can hear ok, I just often misunderstand words, and I don't think people want me on a jury. Also, I have this claustrophobic condition, like this morning I couldn't be in the elevator and I only felt better when I pressed the open button. That's why I work on the first floor, like this morning I let five elevators go by because they were crowded. I don't want to be postponed, I already postponed once and it's not going to help. (6/17/04)

CJP recommends providing more electronic and print information to jurors with concerns. For example, in the question and answer section of the Unified Court System’s juror website, perhaps the site could be more explicit about what types of supporting documentation jurors with health concerns can provide to the Commissioner of Jurors Office.

(C) Recommendations

1. Physical Environment:
 - Collaborate with the CJP and the Commission for the Blind and Visually Handicapped in our efforts to provide coffee stands for jurors that would be located outside of the jury assembly rooms.
 - Consistently staff the assembly room with one employee whose sole responsibility is cleaning the assembly room and bathrooms and stocking the bathrooms regularly.
 - Continue to consistently provide a water cooler for jurors. Until the water is tested and the water fountains in the courthouse are repaired, jurors need to have access to bottled water.
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.

2. Summoning:
 - Modify the map and information on the summons to illustrate that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.
 - Revise the sentence on the summons that currently states, “You are expected to serve on one trial” to “You must serve for one trial or up to five days.”
3. 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 on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.
4. Administration
 - Give jurors more comprehensive information about jury service during morning orientation and throughout process.
 - Consistently provide information for jurors with disabilities during morning orientation.
 - Address non-English speakers during morning orientation, and let them know that they can report to 60 Centre Street, room 139 for a language interview. If possible, convey this information in the languages other than English that are predominant in New York County. When that is infeasible, follow the Commission on the Jury’s recommendation, “...a written statement in various languages should be provided for distribution at the orientation.”²⁴
 - Start calling jurors to voir dire early, and start cases punctually.
5. Technology:
 - Provide wireless access for jurors. Wireless access will allow jurors to work and communicate with their places of employment while serving. This will not only ease employment burdens created by service, but decrease the amount of jurors who feel service is a waste of time.

²⁴ The Commission on the Jury, *supra* note 6 at 40.

6. 111 CENTRE STREET

(A) Summary of juror concerns

The courthouse at 111 Centre Street is a modern facility and has recently undergone environmental improvements²⁵ that have helped to create a comfortable environment for jurors. However, 111 Centre houses a uniquely large array of courts including Criminal and Civil Supreme Courts, Housing Court, Pro Se Court, and Small Claims Court. In addition, the court houses a childcare center. Beyond the sheer number of people who visit this court, issues can also arise from the fact that people enter the courthouse with very different purposes.

| Top Juror Concerns—111 Centre Street | |
|---|--------------|
| 4/1/04-6/30/04 | |
| Total Concerns = 170 | |
| Top Appreciative Comments | Count |
| Lunch guide is good | 52 |
| Things are generally better | 2 |
| Judges are nicer | 1 |
| Jury pool is more diverse | 1 |
| It's good that attorneys serve | 1 |
| Top 10 Critical Concerns | |
| Lack of information/Incorrect information | 45 |
| Wasted time | 10 |
| Would like a postponement/deferral | 8 |
| Medical problem/old age | 7 |
| Elder/child care | 4 |
| Financial hardship | 4 |
| Needed information ahead of time | 4 |
| Very disruptive to my work | 4 |
| Service is too long | 3 |
| Service should be more flexible/accommodating | 3 |

Jurors serving at 111 Centre recognize that “things are generally better” and are appreciative of court clerks’ and officials’ efforts to accommodate jurors. However, jurors’ more critical comments suggest that aspects of jury service can be improved upon. Lack of information/incorrect information” was the primary critical concern jurors commented on at 111 Centre. Some jurors commented on “wasted time” and the effects that service has on their lives outside of the courts, including their employment and caretaking responsibilities. None of the top ten critical concerns related to the environment; compared to the 60 and 100 Centre

²⁵ In the spring of this year, the bathrooms on the third and eleventh floor of the courthouse were remodeled.

Street courthouses, jurors tend to evaluate the environment in around the assembly rooms at 111 Centre more positively.

(B) Breakdown of juror concerns

1) Environmental Concerns

| 111 Centre: Physical Conditions | Count |
|--|--------------|
| Bathrooms | 2 |
| Need an area for cellular phones | 2 |
| No coffee/sandwiches/juice | 2 |
| No working water fountains | 2 |
| Coffee is bad | 1 |
| Not enough seats | 1 |

Most of the jurors’ “physical conditions” concerns at 111 Centre Street are not related to the physical environment directly, but more to the amenities offered and the maintenance of each area. Jurors commented on the maintenance of the bathrooms and continue to comment on the need for a more accessible coffee and refreshment stand and the lack of working water fountains.

2) Summoning Concerns

| 111 Centre: Summoning | Count |
|---|--------------|
| Would like a postponement or deferral | 8 |
| Disproportionate summoning | 1 |
| Problem with payment | 1 |
| Switch from criminal to civil or vice-versa | 1 |

The majority of jurors who approached CJP with summoning concerns were interested in getting a postponement or deferral. Jurors also commented on disproportionate summoning, a problem with the juror payment, and a desire to serve on civil as opposed to criminal jury.

3) Lack of Information Concerns

| 111 Centre: Lack of Information | Count |
|---|--------------|
| Lack of information/incorrect information | 45 |
| Needed information ahead of time | 4 |
| Needed directions to courthouse | 1 |

Like their fellow jurors at 60 and 100 Centre Street, jurors at 111 Centre frequently commented on the five-day rule.

The 5-day service as opposed to the 3-day service creates more animosity than good. Consider going back to the 3 day as it more effectively promotes citizenship and participation. Thanks. (6/8/04)

Jurors also noted that the summons should convey the approximate number of days they will serve if they are not selected to serve on a trial.

Juror summons should indicate number of potential days a juror may be held in the juror pool, even without being selected onto a jury so that he/she can plan accordingly. (6/8/04)

Other jurors at 111 Centre expressed some confusion about the process of service.

It's my first time on jury duty. What's going to happen? How long will I have to stay here? Do I have a break during the day? (4/15/04)

I am little bit confused here. Yesterday I went up to the fifth floor to see the judge and I wasn't selected yet. I don't know if I should go up there or wait here. I am late and I don't see anyone on that case. (4/13/04)

These comments illustrate the importance of clearly conveying information to jurors during morning orientation and voir dire.

4) Administrative Concerns

| 111 Centre: Administration/Technology | Count |
|---|--------------|
| Wasted time | 10 |
| Service should be more flexible/accommodating | 3 |
| Service is too long | 3 |
| Not dismissed when promised | 2 |
| Not enough cases for jurors | 2 |
| Should have a call-in system | 2 |

“Wasted time” was the most common administrative concern voiced at 111 Centre. The majority of the jurors’ comments on “wasted time” centered on the time spent waiting in the assembly room and “wasted time” during the trial process.

I was a juror in a civil trial that settled. Waste of time for all concerned. Should never of had to come to trial. (5/19/04)

5) Employment Concerns

| 111 Centre: Employment Concerns | Count |
|---------------------------------------|-------|
| Very disruptive to my work | 4 |
| Self-employed people should be exempt | 3 |
| My business will suffer | 2 |
| Lawyers should be exempt | 2 |
| Am losing major work assignments | 1 |
| Concern with unhappiness by employer | 1 |
| Judges should be exempt | 1 |
| My students will suffer | 1 |
| Student feels entitled to exemption | 1 |
| Work nights | 1 |

During this past trimester, interns interviewed a variety of professionals with employment concerns. Some jurors found service to be very detrimental to their employment, particularly because changes were not made on the summons or the court literature prior to implementing the five-day rule.

As a freelance worker it is a real hardship to be here 5 days; especially since this change is not reflected in the literature we receive. It is hard to plan for 5 days, especially when you are self-employed and lose money. But this booth is a good idea. (6/8/04)

Jurors sometimes feel like their professions will exclude them from ever serving on a jury and therefore see the process as a waste of time.

I'm a law professor. My chance to be selected is TINY. There is no way any lawyer in his right mind would select me for a jury, and meanwhile, I have to suffer through this despicable experience and just sit there. All lawyers, law professors, judges should be immune from jury service because no lawyer in his right mind would choose them. (6/15/04)

The inclusion of all professionals in the jury process is extremely beneficial to the system and is no longer novel. Information and advertisements should make the public aware that there are no professional exemptions and that a variety of professionals now sit on juries.

6) Financial Concerns

| 111 Centre: Financial Burden | Count |
|------------------------------|-------|
| Financial hardship | 4 |
| Pay is not enough | 1 |
| Severe financial hardship | 1 |

Jurors who express financial concerns often are faced with a variety of issues that affect their ability to serve.

Is there any way I can get out of this? I am sick and a single mother sending a kid to college and work on commission. Is five days really necessary? Will they let me go before then? (6/8/04)

Jurors appreciate explicit information about the parameters of jury service. Clear information prior to and during service diminishes jurors' financial concerns.

7) Familial and Health Concerns

| 111 Centre: Family/Health | Count |
|---|-------|
| Medical problem/old age | 7 |
| Elder/child care | 4 |
| Work from home to be with children, elderly or people with disabilities | 1 |
| Need to pick up children | 1 |

Caretakers and the elderly expressed the largest number of concerns in this category. Elderly individuals' concerns often relate to their health and the difficulties they face traveling to and from the courthouse. Caretakers concerns often center on the demands of their work and the needs of children or adults that they care for. CJP recommends providing more electronic and print information to caretakers prior to service so that they may plan accordingly.

(C) Recommendations

1. Physical Environment:
 - Collaborate with the CJP and the Commission for the Blind and Visually Handicapped in our efforts to provide coffee stands for jurors that would be located outside of the jury assembly rooms.
 - Provide a water cooler for jurors consistently, or at least make certain that the vending machines are stocked with bottled water. Until the water is tested and the water fountains in the courthouse are repaired, jurors need to have access to bottled water.
 - Consistently staff the assembly room with one employee whose sole responsibility is cleaning the assembly room and bathrooms and stocking the bathrooms regularly.
 - Clean and maintain bathrooms outside of the jury room on a regular basis--at least two to three times daily.

2. Summoning:

- Modify the map and information on the summons to illustrate that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.
 - Revise the sentence on the summons that currently states, “You are expected to serve on one trial!” to “You must serve for one trial or up to five days.”
3. 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 on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.
4. Administration
- Give jurors more comprehensive information about jury service during morning orientation and throughout process.
 - Consistently provide information for jurors with disabilities during morning orientation.
 - Address non-English speakers during morning orientation, and let them know that they can report to 60 Centre Street, room 139 for a language interview. If possible, convey this information in the languages other than English that are predominant in New York County. When that is infeasible, follow the Commission on the Jury’s recommendation, “...a written statement in various languages should be provided for distribution at the orientation.”²⁶
 - Start calling jurors to voir dire early, and start cases punctually.
5. Technology:
- Provide wireless access for jurors. Wireless access will allow jurors to work and communicate with their places of employment while serving. This will not only ease employment burdens created by service, but decrease the amount of jurors who feel service is a waste of time.
 - Report malfunctioning assembly room computer terminals promptly so that they may be expeditiously repaired.

²⁶ The Commission on the Jury, *supra* note 6 at 40.

7. 360 ADAMS STREET

(A) Overview of the Court Facility and Court Improvements

In 1949, Shreve, Lamb, & Harmon, the architects who designed the Empire State Building, submitted designs for the Supreme Court at 360 Adams Street. The building plans for this civil courthouse were accepted and the facility was completed in 1958. The mid-1900's was a time in which significant urban development was instituted in Brooklyn. And while dilapidated buildings from the 1800s were being replaced by a modern infrastructure, the population swelled. Mid-century Brooklyn was the fastest growing city in the nation, with a population that peaked in 1950 at 2,738,175.²⁷

As of 2000, King's County comprises the majority of the population living in New York City, the most populated city in the nation. Indeed, Kings County is 7th most populated county in the nation,²⁸ and remains one of its most diverse. The diversity of the courts present in the 360 Adams Street courthouse reflect the modern needs of Brooklyn communities. In addition to the Kings County Civil, Criminal, and Surrogate's Court, 360 Adams now also houses a Domestic Violence Part, and the Brooklyn Treatment Court.

The variety of courts housed in the facility and the wide-ranging needs of court users takes its toll on 360 Adams. In response to this and similar facilities issues in other courts in Kings County, the court system has implemented a large capital project that involves constructing a new court facility in Kings County and renovating existing facilities.

Related to this renovation process, plans were made at the beginning of this year to refurbish the 360 Adams Street assembly room during the summer. The court planned to put in a new floor in the assembly room, replace the long wooden benches with new court furniture, and check on the courthouse's electrical system. However, Kings County faced some administrative difficulties that prevented them from initiating the project this summer. Despite this setback, Kings County has introduced other measures to improve the process and environment for jurors.

- A cleaning staff person is present in the jury assembly room until 3:00 PM each day; this person's sole responsibility is to clean the assembly room and restrooms. In addition, a clerk now monitors the cleaning and maintenance of the assembly room and restrooms on a daily basis.

²⁷Life in Brooklyn: 150 Years of History (visited on May 22, 2003)

<<http://www.geocities.com/Heartland/Ranch/7589/history.htm>>

²⁸ United States Census Bureau, Census 2000 (visited on May 22, 2003)

<<http://www.census.gov/population/cen2000/phc-t4/tab02.xls>>

- The juror assembly room has been painted and the ventilation ducts have been cleaned.
- Malfunctioning equipment and amenities in the assembly room bathrooms have been repaired.
- 360 Adams Street now offers jurors the opportunity to sign out when they need to momentarily leave the assembly room area. This simple step diminishes jurors' feeling of being "trapped" in the assembly room. By providing a more accurate list of who is present, the sign-out sheet also facilitates the process of calling jurors.
- A multi-lingual, telephonic information system is currently being installed. This service will provide information about jury service in Spanish, Russian, Mandarin and Cantonese.

(B) Overview of Jurors' Appreciative and Critical Concerns

Jurors appreciate the efforts to improve the maintenance of 360 Adams and now voice comparatively fewer environmental concerns than they did in previous trimesters. CJP believes that this lack of environmental concerns stems from the fact that a cleaning staff person is now consistently present in the assembly room, an area that is heavily utilized and often over crowded. This staffing policy is effective and should be implemented in the New York County Courts.

Jurors' more critical concerns centered on "lack of information" and the effect that service has on jurors' lives outside of the courts. 27% of jurors' top ten critical concerns related to their finances, employment, health, or their caretaking responsibilities.

| Top Juror Concerns—360 Adams Street | |
|--|--------------|
| 4/1/04-6/30/03 | |
| (Total Concerns =291) | |
| Top 10 Critical Concerns | Count |
| Lack of information/incorrect information | 66 |
| Would like a postponement/deferral | 31 |
| Needed information ahead of time | 16 |
| Wasted time | 11 |
| Elder/child care | 10 |
| Very disruptive to my work | 9 |
| Medical problem/old age | 7 |
| Self-employed people should be exempt | 7 |
| Financial hardship | 6 |
| Am losing major work assignments | 6 |
| Student feels entitled to an exemption | 6 |

(C) Breakdown of juror concerns

1) Environmental Concerns

| 360 Adams: Physical Conditions | Count |
|---------------------------------------|--------------|
| Bathrooms | 2 |
| No coffee/sandwiches/juices | 2 |
| Need an area for cellular phones | 1 |
| No place to park | 1 |
| Not enough work carrels | 1 |
| Uncomfortable seats | 1 |

Jurors' critical comments on the physical conditions were minimal during this trimester. The court's continued efforts to improve the facility and promptly respond to maintenance issues will keep the comments collected in this category low.

2) Summoning Concerns

| 360 Adams: Summoning | Count |
|---------------------------------------|--------------|
| Would like a postponement/deferral | 31 |
| Problems with name or address | 4 |
| Would like to volunteer | 4 |
| Not fair—some people are never called | 3 |
| Received multiple summonses | 3 |
| Disproportionate summoning | 2 |
| In non-compliance | 2 |
| Summoned within two years of service | 1 |

The majority of jurors who approached CJP with summoning concerns were seeking a postponement or deferral. The rest of the summoning comments related to administrative concerns, such as "disproportionate summoning" and "problems with [juror's] name or address."

3) Lack of Information Concerns

| 360 Adams: Lack of Information | Count |
|---|--------------|
| Lack of information/incorrect information | 66 |
| Needed information ahead of time | 16 |
| Needed directions to the courthouse | 1 |

The majority of the “lack of information” comments collected from 360 Adams pertained to the need for information about the process. Both native speakers and non-English speakers express some confusion. The following juror’s comments underscore the need to provide jurors clear instructions about the process and where to proceed once they are dismissed:

I was just dismissed from a case upstairs. Where do I go now? Do I sit here again? So, they can call me for that same case or is it going to be a different one? (5/5/04)

Non-English speakers’ comments illustrate the need to clearly communicate with them before, during, and after the assessment process.

[Speaking in Mandarin]

Man: Hi I don't think I am able to serve. My English is very bad. What should I do?

[Intern comment: I sent him to have language interview. And he came to me again afterwards with the receipt part of his summons.]

Man: What do I do now?

Intern: What did the interpreter say to you?

Man: She didn't tell me what to do. Other English-speaking people did. But I don't understand English. (4/6/04)

(In Mandarin, worried.)

I was here yesterday. I think they asked us to come back here 9:30 today. It's already 9:30 but I don't see anybody I know. It is highly impossible that none of them have shown up! I don't understand much English! (Intern comment: His fellow juror finally showed up. He looked relieved) (5/11/04)

Non-English speakers often bring a friend or relative to the court to serve as translator. A young boy who accompanied his mother to courthouse made the following comment to CJP:

My mother does not speak any English, what do I do? She can't even fill out the forms. (4/14/04)

The multi-lingual, telephonic information that will soon be available in Kings County jurors will promote administrative efficiency and will also decrease the time wasted by non-English speakers jurors and their translators, who take time off from work or school to assist.

5) Administrative Concerns

| 360 Adams: Administration/Technology | Count |
|--------------------------------------|-------|
| Wasted time | 10 |
| Service is too long | 4 |

| | |
|---|---|
| Service should be more flexible/accommodating | 4 |
| Improve technology | 1 |
| Need phone lines for computers | 1 |
| Process does not start on time | 1 |
| Should have a call-in system | 1 |

Jurors' administrative concerns convey their desire to sit on cases and be a more involved part of the process that they were summoned to participate in.

Being interviewed by the attorneys and listening to a courtroom procedure can at times be very interesting. However, the endless and boring hours in the jury room, waiting to be called, is absolutely dreadful. [...] There is nothing to do with one's time as it passes away during the long wait, which can turn out to be an entire day, as in my case, 8:45 am through 4:00 pm. [...] Additionally, after being excused by the attorneys, at approximately 11:00 am, I did not get discharged until 4:00 pm. I believe that this is not reasonable as it very rarely, if ever, happens that a new jury is picked or jurors are needed that late in the day... (5/28/04)

Delays are often unpredictable. However, effective communication between various court officials throughout the courthouse can help decrease jurors' waiting time. The Commission on the Jury suggested in its interim report to that "...there should be improved communication between court administrators and the commissioners of jurors in each county."²⁹ Similarly, improved communication between the assembly room clerks and the court officials in their respective parts can facilitate the process.

6) Employment Concerns

| 360 Adams: Employment | Count |
|--|--------------|
| Very disruptive to my work | 9 |
| Self-employed people should be exempt | 7 |
| Am losing major work assignments | 6 |
| My students will suffer | 6 |
| Student feels entitled to an exemption | 6 |
| Concerned with unhappiness of employer | 2 |
| Work nights | 2 |
| Doctors should be exempt | 1 |
| Lawyers should be exempt | 1 |
| My patients will suffer | 1 |

²⁹ The Commission on the Jury, *supra* note 6 at 40

| | |
|-------------------------|---|
| My business will suffer | 1 |
|-------------------------|---|

360 Adams Street jurors voiced a number of employment concerns. While the most common concern was that service is “very disruptive to my work,” self-employed jurors suggested that service is particularly difficult for them and can create financial hardship.

I can't be here. I own my own business. There's no income if I'm not there!
(4/28/04)

Some jurors' comments suggest that information on employers' and employees' jury service rights must continue to be widely distributed:

I work nights. I am so tired. How can I sit here? (6/28/04)

7) Financial Concerns

| 360 Adams: Financial Burden | Count |
|--------------------------------|-------|
| Financial hardship | 6 |
| Only get paid for hours worked | 5 |
| Pay is not enough | 3 |

Jury service can be trying on people who face serious financial hardship. Although the current economy is showing some signs of growth, unemployment numbers remain high and many employed people remain in significant debt.

I am unemployed right now. I live day by day. I don't have money to get down here. I don't have money to buy Metro Card! And I can't borrow it from anybody. (4/26/04)

Hi you know, I was out of job for more than one year and finally I got a job recently. And now I get called. Is there any way I don't have to serve? I can show them that I have a \$20,000 credit card debt. (5/3/04)

8) Familial and Health Concerns

| 360 Adams: Family/Health Burden | Count |
|--|-------|
| Elder/child care | 10 |
| Medical problem/old age | 7 |
| Work from home to be with children, elderly, or people with disabilities | 5 |
| Need to pick up children | 3 |
| Elderly should not have to serve | 1 |

360 Adams Street jurors consistently express more concern about their caretaking responsibilities in relation to service than New York County jurors. This is not surprising, given that a larger number of households in Kings County house children (38.2%) than in New York County (19.7%) and even in comparison with the state average (35%).³⁰ CJP has consistently advocated for some form of caretaker reimbursement in counties such as Kings.³¹ If caretaker reimbursement for jurors were to become administratively and fiscally feasible, CJP recommends piloting the project in counties such as Kings. If it is infeasible for New York to offer child care to jurors or child care compensation, CJP suggests providing more online and printed information for caretakers prior to service.

(D) Recommendations

1. Physical Environment:
 - Follow through with the environmental improvements the courthouse was planning to implement during this summer. These improvements, such as replacing the assembly room benches with new court furniture, will make the courthouse a more comfortable and accessible. If the renovations can be done in phases, begin work during the December holidays.
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 on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.
3. Technology:
 - Implement the service that will provide multi-lingual, telephonic information for jurors prior to service.
 - Offer information on County website (www.nyjuror.com/kings.html) in Spanish and other predominant languages. Translating the site will promote inclusion and lessen the juror hardship faced by over 10% of New York's residents, who do not understand and comprehend the English language well.
4. Administration:
 - Start calling jurors to voir dires early and start cases punctually.

³⁰ The U.S. Census Bureau, Census 2000, <<http://www.census.gov/main/www/cen2000.html>.

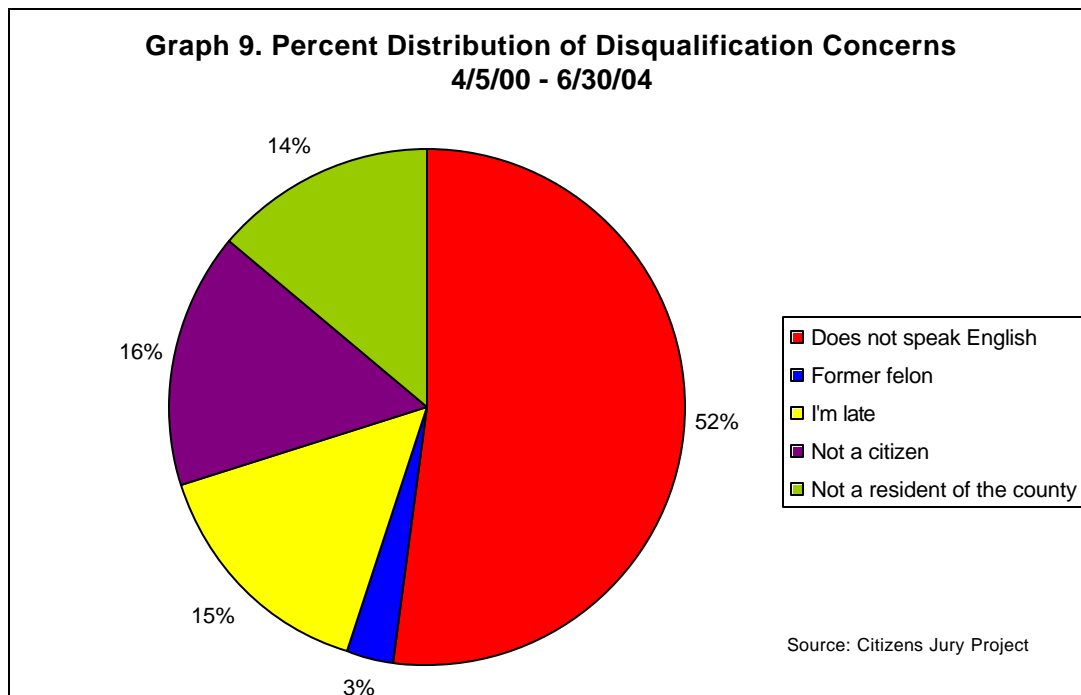
³¹ CJP's Spring 2003 Report on Juror Concerns (available at <http://www.juryproject.org/Reports/cjp.html>) discusses various states' approaches to child care reimbursement for jurors.

- Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.
- Consistently provide information for jurors with disabilities during morning orientation.

8. DISQUALIFICATIONS

(A) An Overview of Disqualified Jurors' Comments

CJP commends the Commission on the Jury for examining the qualification process, and particularly the issue of communication with and assessment of people who may not “understand and communicate” in English well enough to serve. Approximately one in ten (10.3%) of the 9,771 jurors who approached CJP from April 1, 2000 to June 30, 2004 were jurors with disqualification concerns. Of this group, 52% spoke with CJP about language concerns. As the following graph illustrates, the percent distribution of people with language concerns dwarfs other disqualification concerns.



(B.1) The Issue of Non-English/Multi-lingual Speakers in the Jury System

The court system took an important step toward greater inclusion by enacting Article XVI § 510 of the New York State Consolidated Laws, a law that requires jurors to “understand and communicate in” English, but not necessarily read and write. Expanding the number of source lists from which jurors are drawn is

another example of a reform that promotes inclusion. Combined, these laws carry with them the responsibility of communicating with and assessing a variety of populations.

All of the agencies through which the jury system gathers its source lists communicate with the general public in languages other than English; therefore, an individual can fill out forms or utilize services that put his or her name on jury source lists without being able to read, write, or speak in English.³² However, qualification and summoning are conducted entirely in English, and to date there is no multi-lingual electronic or print information available for jurors. This dearth of information is exacerbated by the fact that a person's response to "Do you speak English?" on the questionnaire has no significance because a language interview is required. Yet, in contrast to questions on the qualification questionnaire that address other possible disqualifiers such as citizenship, age, and felony convictions are accompanied by options to substantiate a person's claim (e.g., a visa, alien registration card, or birth certificate) no information is conveyed to people who cannot understand and communicate in English.

CJP agrees with the need to conduct individual language interviews but suggests that jurors should be informed about the language interview in the qualification and summoning process. Multilingual information can facilitate the process of assessing multi-lingual and non-English speakers prior to service and can promote the inclusion of those who can understand and communicate in English but are unable to read, and can be intimidated by, court information and forms.

The issue of linguistic diversity in the justice system is likely to increase, not subside. The Census Bureau projects that the population of Non-Hispanic whites will decrease from the current 69.4% of the total population to 50.1% by 2050. The population of people of Hispanic origin is expected to exhibit the most significant growth, increasing from 35.6 million in 2002 to 102.6 million in 2050 or 188%.³³ Thus, the Hispanic population's share of the nation's population would nearly double during this time period, from 12.6% to 24.4%. As Spanish speakers are the majority of those who report speaking English "less than very well" it is not a stretch to surmise that the forecasted growth in the Hispanic population will increase the amount of people who report speaking "less than very well."³⁴

New York City is also faced with the challenge of being one of the most linguistically diverse cities in the nation. The linguistic diversity of New York is vividly illustrated on the Modern Language Association's "Language Map"

³² For a more detailed analysis of this, please read the Citizens Jury Project Winter 2002 Report, available at: <http://www.juryproject.org/reports.html>

³³ Steven A. Camarota and Nora McCardle, *Where Immigrants Live? : An Examination of State Residency of the Foreign Born by Country of Origin in 1990 and 2000*, (September, 2003). Diversity Inc., Diversity and Population Change, 2000-2050, <http://www.diversityresources.com/rc21d/div_popchange.htm>.

³⁴ US Census Bureau, Census 2000, <http://www.census.gov/main/www/cen2000.html> (last visited July 20, 2004).

(http://www.mla.org/census_main) an interactive website that uses data from the 2000 United States census to display the locations and numbers of speakers of thirty languages and seven groups in the United States. (See Appendix C for the breakdown of the total number of people speaking than English and languages other than English.) This website is an example of a resource that can be particularly useful for the court system as it acts on the Commission on the Jury's recommendation to continue "investigation of issues relating to disqualification or excusal of jurors due to inability to "communicate in and understand" the English language." The MLA website can display linguistic statistics by county and by zip code, quickly identifying which counties are most in need of multi-lingual information and what languages are predominantly spoken in the respective counties.

(B.2) Assessment of Multi-lingual/Non-English Speakers

[Juror approaches with her daughter, who is serving as her interpreter.]

Hi. She has to serve on the jury but she does not understand and communicate English. We already went to 60 Centre, room 139 and the chief clerk asked here a question. She said yes and the clerk told her to come back here to 111 Centre, 3rd floor to serve. Can I stay here with her?

[Intern comment: this juror does not understand English and her daughter translates and interprets everything for her]. (111 Centre, 6/28/04)

In terms of assessment, the Commission on the Jury recommended: "To improve the initial questioning, OCA should prepare a proposed method of questioning so that this process [of assessing non-English/Multi-lingual speakers] may be more uniformly applied."³⁵ CJP agrees with this recommendation and believes that professionals in the field of English as a Second Language (ESL) and linguistics can be instrumental in developing an assessment process. Currently, court clerks conduct a two-fold assessment process. First, court officials and clerks must assess which jurors can adequately comprehend the court process and communicate with their fellow jurors. Second, the court system must estimate the time it takes for disqualified jurors to acquire a language. Assessing and estimating language acquisition are large areas of study within the fields of linguistics and ESL and are skills that linguistic professionals are trained to assess. CJP recommends employing ESL professionals to train (or develop a training for) court staff on how to properly conduct language-qualifying interviews. Professionals in the field should also be asked to provide realistic time frames for language acquisition. While non-native speakers should not be excluded from the process, they must be accurately assessed and not called excessively and unnecessarily.

³⁵ The Commission on the Jury, *supra* note 6 at 49.

Recommendations:

- Provide a line on the qualification questionnaire after the question, “can you understand and communicate in the English language,” that states: “if not, you will be asked to participate in a language interview, once you are summoned to serve.” This will alleviate some of the confusion expressed by non-English speaking jurors who believe that marking “no” to the question “can you understand and communicate in the English language,” disqualifies them from service.
- Include a line on the qualification questionnaire in each county’s predominant languages that instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines in linguistically diverse counties that offer recorded instructions for summoned multilingual/non-English speakers about the jury process and how to participate in a language interview prior to service.
- Provide information for non-English speaking/multilingual jurors on the Unified Court System’s web site.
- Utilize the resources and knowledge that the field of English as a Second Language (ESL) has developed in relation to assessment and communication with non-English speaking jurors. ESL professionals can help develop language-qualifying interviews and should train (or could develop a training for) court staff on how to properly conduct these interviews. Linguistic professionals can also give the court system good estimates about how long language acquisition can take and when it is reasonable to summons a language disqualified juror back to the courts.

(2) Non-citizens

My friend is an undocumented non-citizen who has been called for jury duty. What should she do? Are there certain forms she should submit? Does she have to go to the courthouse? Will they turn her in? (Queens, 5/25/04)

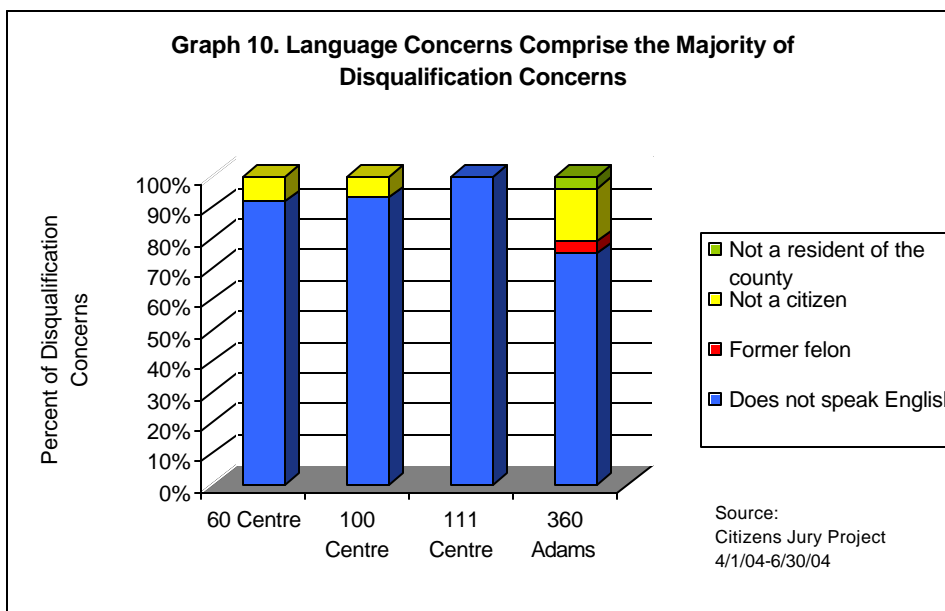
Linguistic assessment is much more vague than the process of assessing citizenship. Non-citizens are a population that clearly cannot serve as jurors and can offer documentation to confirm their status. However, currently there is a gap in the information provided to non-citizens on the qualification questionnaire. The questionnaire asks whether a person is a citizen and then states, “If not, provide a copy of your visa or alien registration card.” The problem with the statement is that alien registration cards (or “green cards”) are issued only to

immigrants who are legally admitted for residence in the United States. Thus, undocumented immigrants are provided no information-either on the questionnaire or on any other court publication-about what kind of documentation they could present the court.

CJP recommends developing a clear policy for dealing with non-citizens who are unable to provide the court system with an alien registration card or valid visa. OCA has indicated to CJP that non-citizens without the proper documentation have two options. First, these non-citizens could submit alternative documentation, such as a filing receipt from a pending application for permanent residency or a letter from a legal representative. Second, for those who have no such documentation, OCA has suggested that these individuals must speak with a clerk in the central jury office about their non-citizenship. The options of alternative documentation or an in-court interview should be conveyed to non-citizens in the qualification questionnaire and court literature online and in print. Court officials should also be trained about how to assess citizenship status. By developing a protocol for the assessment of undocumented non-citizens and providing information for non-citizens prior to service, the court system will decrease the hardship on those unqualified to serve, while promoting systemic efficiency. Online and print information may also promote the inclusion of new citizens, many of whom appreciate the system and want to participate.

Recommendations:

- Develop a clear policy for the assessment undocumented non-citizens.
- Instruct court officers and clerks throughout the state on how to assess and treat non-citizens.
- Provide information for undocumented non-citizens prior to service, on the qualification questionnaire and in court literature.



| 60 Centre: Disqualifications | Count |
|-------------------------------|-------|
| Doesn't speak English | 12 |
| Not a citizen | 1 |
| 100 Centre: Disqualifications | Count |
| Doesn't speak English | 14 |
| Not a resident of the county | 1 |
| 111 Centre: Disqualifications | Count |
| Doesn't speak English | 10 |
| 360 Adams: Disqualifications | Count |
| Doesn't speak English | 17 |
| Not a citizen | 4 |
| Not a resident of the county | 1 |
| Former felon | 1 |

9. SUMMARY OF RECOMMENDATIONS

Each year we summon more than 500,000 citizens to jury duty. That's more than half a million chances every year to educate the public about our courts. Half a million chances to draw in every segment of society, to show people firsthand that the system really does work. ³⁶

-Chief Judge Judith S. Kaye

In seizing the opportunity to educate, the court system is fostering a system in which jurors' value their freedom to participate. The work that lies ahead is to continue to examine and implement policies that promote inclusion, fair process, and systemic efficiency, while also working to create and maintain court environments that are accessible, clean, and safe.

(A) Summary of Recommendations for the Courts

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. Lessening juror confusion and stress can allow jurors to focus on the proceedings and will promote comprehension.

Provide more procedural information to jurors in the assembly room and throughout the process. Jurors should be informed about their

³⁶ Hon Judith S. Kaye, *Symposium: Rethinking Traditional Approaches*, 62 Alb L. Rev 1491, 1495 (1999).

rights and have a clear understanding of the process of serving. Additionally, providing jurors with regular updates on the day's schedule and brief explanations why there may be delays can diminish their feeling that service is a waste of time.

Target environmental improvements in the courts. Jurors clearly respond to improvements made to the physical conditions within our courts. Courts must continually assess whether their facilities are accessible and safe. Jurors' experience in the courts and ability and desire to serve are affected by structural improvements, such as constructing accessible entrances and bathrooms, and procedural improvements such as escorting jurors directly into courtrooms, instead of leaving them in the hall. Timely response to the recommendations provided in this report will help to create clean and safe court environments.

Collaborate with CJP and OCA in devising ways to best accommodate caretakers, non-English speakers, minorities, and individuals with low incomes. 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) Summary of Administrative, Public Relations, and Research Recommendations

Summoning

- Provide information for undocumented non-citizens prior to service, on the qualification questionnaire and in court literature.
- Create an online service in which jurors can submit copies of the children's birth certificate to the court. Other populations could use this service too, such as non-citizens and individuals with health concerns that prohibit them from leaving their homes.
- Provide a line on the qualification questionnaire after the question, "can you understand and communicate in the English language," that states: "if not, you will be asked to participate in a language interview, once you are summoned to serve." This will alleviate some of the confusion expressed by non-English speaking jurors who believe that marking "no" to the question "can you understand and communicate in the English language," disqualifies them from service.
- 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.

- Establish toll-free information lines with recorded instructions for summoned multi-lingual/non-English speakers about the jury process and how to seek postponement/dismissal prior to service.

Court Facilities

- Consistently staff the New York and Kings County assembly rooms with one employee whose sole responsibility is cleaning the assembly room and bathrooms and stocking the bathrooms regularly. Brooklyn has begun to staff the assembly room in this manner and the negative environmental comments have decreased.
- Continue to encourage the City to make the necessary plumbing repairs so that water fountains can be turned on again in New York County courts. Until jurors have access to public water through the water fountains, the courts should provide a water cooler for jurors or at least make certain that the vending machines and coffee stand are consistently stocked with water.
- Continue to work to improve the physical environment for people with disabilities. New York has taken significant steps in promoting access for jurors with disabilities, but court facilities and processes can and must continue to be improved upon. Access for jurors with disabilities promotes fair trials, juror comprehension, positive views of the justice system, and universal design. Accessible court environments and processes benefit us all.

Public Outreach

- Provide caretaker information on the Unified Court System website and relevant court literature, such as the petit juror handbook. This information can be particularly useful for caretakers, who live unpredictable lives that are often dictated by those they care for.
- Provide multi-lingual information about the courts and court processes. The Unified Court System website is an example of a resource that could be made available in, at least, Spanish.
- Provide information for non-citizens on the Unified Court System website and in relevant court literature.
- Increase communication between the courts and the press that report and publish in languages other than English.

Court Research

- Include information for jurors who cannot “understand and communicate in”³⁷ English in the morning orientation template. When feasible, clerks should convey this information in the predominate languages of the county. However, when that is not possible, CJP concurs with the Commission’s recommendation that suggests providing: “...a written statement in various languages should be provided for distribution at the orientation.”³⁸
- Consider using a plain English editor in the process of standardizing the summons.
- Implement court research that assesses 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.³⁹ 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 accommodate individuals with personal hardship and responsibilities that inhibit their ability to serve and contribute to the system.

Court System Administration

- Provide specific electronic and print information for self-employed and student jurors. Both populations face considerable temporal and financial constraints that can inhibit their ability to serve.
- Develop a clear policy for the assessment undocumented non-citizens. Instruct court officers and clerks throughout the state on how to assess and treat non-citizens.
- Reconsider the possibility of offering child care reimbursement to jurors. The high child poverty rate in New York and Kings County, coupled with the difficulty of obtaining public child care, suggests that child care reimbursement is a viable way to promote inclusion.
- Utilize the resources and knowledge that the field of English as a Second Language (ESL) has developed in relation to assessment and communication with non-English speaking jurors. ESL professionals can help develop language-qualifying interviews and should train (or could develop a training for) court staff on how to

³⁷ New York Judiciary Law, § 510.

³⁸ The Commission on the Jury, *supra* note 6 at 49.

³⁹ Robert G. Boatright, *Improving Citizens Response to Jury Summonses*, American Judicature Society (1998).

properly conduct these interviews. Linguistic professionals can also give the court system good estimates about how long language acquisition can take and when it is reasonable to summons a language disqualified juror back to the courts.

*Appendix A: Concerns Mentioned in Relation to “Lack of Information” Concerns,
April 1, 2000 to June 30, 2004*

| Administration Concern | Count |
|---|--------------|
| Wasted time | 77 |
| Service should be more flexible/accommodating | 27 |
| Service is too long | 24 |
| Process does not start on time | 11 |
| Not dismissed when promised | 7 |
| Adopt one-day-one trial rule | 2 |
| Total | 148 |

| Disqualification Concern | Count |
|---------------------------------|--------------|
| Doesn't speak English | 125 |
| I'm late | 52 |
| Not a resident of the county | 51 |
| Not a Citizen | 45 |
| Former felon | 8 |
| Total | 281 |

| Summoning Concern | Count |
|--|--------------|
| Would like a postponement/deferral | 166 |
| Disproportionate summoning | 72 |
| Problems with name or address | 59 |
| Summoned w/in two years of prior service | 44 |
| In non-compliance | 27 |
| Unreadable summons | 19 |
| Received multiple summonses | 17 |
| Would like to volunteer | 17 |
| Problem with payment | 16 |
| Not fair – some people never get called | 7 |
| Switch civil to criminal or vice versa | 4 |
| Total | 448 |

Appendix B: *Top Juror Concerns in Manhattan & Brooklyn Courts*

| Top Juror Comments & Concerns Manhattan & Brooklyn Courts 4/1/04-6/30/04 (Total Concerns =1001) | |
|---|--------------|
| Top 5 Appreciative Comments | Count |
| Lunch guide is good | 27 |
| Things are generally better | 16 |
| Good clerks | 5 |
| Email access is good | 3 |
| Physical conditions are better | 1 |
| Top 25 Critical Concerns | Count |
| Lack of information/incorrect information | 235 |
| Wasted time | 58 |
| Would like a postponement/deferral | 52 |
| Needed information ahead of time | 35 |
| Very disruptive to my work | 29 |
| Medical problem/old age | 25 |
| Service is too long | 20 |
| Financial hardship | 19 |
| Elder/child care | 18 |
| Service should be more flexible/accommodating | 18 |
| Bathrooms | 16 |
| Self-employed people should be exempt | 15 |
| Improve technology | 12 |
| My business will suffer | 10 |
| Only get paid for hours worked | 9 |
| Am losing major work assignments | 8 |
| Clerks are unhelpful | 8 |
| Elevators need to work | 8 |
| My students will suffer | 8 |
| Needed directions to the courthouse | 8 |
| No coffee/sandwiches/juice | 8 |
| Not dismissed when promised | 8 |
| Should have a call-in system | 7 |
| Time wasted by attorneys during voir dire | 7 |
| Work from home to be with children, elderly, or people with disabilities | 7 |

Appendix C. New York's Linguistic Diversity by Population

| Language | Total |
|---------------------------------------|--------------|
| English | 12,786,189 |
| Spanish or Spanish Creole | 2,416,126 |
| Chinese | 374,627 |
| Italian | 294,271 |
| Russian | 218,765 |
| French (incl. Patois, Cajun) | 180,809 |
| French Creole | 114,747 |
| Yiddish | 113,514 |
| Polish | 111,730 |
| Korean | 102,105 |
| Other Indic languages | 97,212 |
| German | 92,709 |
| Greek | 86,659 |
| Arabic | 69,959 |
| Hebrew | 67,675 |
| Tagalog | 65,506 |
| Other Indo-European languages | 61,128 |
| African languages | 54,271 |
| Other Asian languages | 53,400 |
| Urdu | 52,448 |
| Portuguese or Portuguese Creole | 41,378 |
| Hindi | 41,151 |
| Other Slavic languages | 39,619 |
| Japanese | 34,569 |
| Serbo-Croatian | 31,553 |
| Persian | 25,975 |
| Vietnamese | 20,249 |
| Hungarian | 18,421 |
| Gujarathi | 16,908 |
| Other West Germanic languages | 13,415 |
| Scandinavian languages | 11,974 |
| Armenian | 8,575 |
| Thai | 7,198 |
| Other and unspecified languages | 6,908 |
| Other Pacific Island languages | 6,624 |
| Other Native North American languages | 3,907 |
| Laotian | 3,353 |
| Mon-Khmer, Cambodian | 3,209 |

| | |
|-------------|-----|
| Miao, Hmong | 179 |
| Navajo | 95 |

Source: Modern Language Association, Language Map Data Center