

**Citizens Jury Project
Summer/Fall 2002 Report on Juror Concerns:
July 1, 2002-November 30, 2002**



December 27, 2002

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Preface

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

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

In 2002, tension has risen and proliferated in the national and international political climates. Although legislation and political leaders have suggested a need to redefine institutions and tenets of law,¹ a look back on history can also provide guidance toward the future. In 1788, the year that New York was granted statehood, Alexander Hamilton saw representative government and citizen participation as key components to a just legal system and a peaceful future. Toward that end, in the Federalist Paper 83, Hamilton wrote:

“The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government. For my own part, the more the operation of the institution has fallen under my observation, the more reason I have for holding it in high estimation.”²

The jury system, by design, is a prototype of egalitarian justice: the optimal jury panel is comprised of individuals who are representative and objective, who deliberate and reach decisions collaboratively. For this reason, jurors in the

¹ An aspect of the USA PATRIOT Act (Pub. L. No. 107-56, 115 Stat. 272 (2001)) relevant to the jury system is Section 203, which allows prosecutors to disclose grand jury information to federal law enforcement, intelligence, protective, immigration, national defense, or national security officials. Secrecy has been an important aspect of the grand jury system since at least the seventeenth century in English common law, and was adopted by the American colonies once their grand jury systems were developed. Section 203 amends Rule 6(e) of the Federal Rules of Criminal Procedure that, since 1946, codified the tradition of grand jury secrecy. For a detailed analysis: JENNIFER M. COLLINS, *AND THE WALLS CAME TUMBLING DOWN: SHARING GRAND JURY INFORMATION WITH THE INTELLIGENCE COMMUNITY UNDER THE USA PATRIOT ACT*, 39 AM. CRIM. L. REV. 1261 (SUMMER, 2002).

² ALEXANDER HAMILTON, JAMES MADISON, AND JOHN JAY, *THE FEDERALIST PAPERS*, BANTHAM BOOKS, 424 (1982).

United States are granted tremendous power, including their role as the fact-finders who determine the fate of peoples' lives.³

The last Citizens Jury Project trimester report focused on the communities within Manhattan and Brooklyn, and how jurors' comments reflect the "community conscience" and suggest positive reform that can be made in our courts. The following report will look outside New York and Kings county communities to the communities of practice throughout the nation, which are actively implementing jury trial innovations to improve juror comprehension and jurors' commitment to the process. New York has, in many ways, taken the lead in introducing and implementing jury reforms. However, the 928 comments of 583 jurors interviewed by CJP and presented in this report suggest that there are juror reforms and innovations that must be considered.

The Citizens Jury Project is about to embark on its eighth year, and looks forward to continued collaborative efforts with the Office of Court Administration and courts throughout the state. Significant reform and improvements have been made to New York courts, which lead jurors to appreciate jury service as a right and a privilege. These reforms create a framework to be built upon: as jurors' knowledge and effectiveness are fostered, democracy is furthered and the institution is preserved.

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³ RING V. ARIZONA, 122 S. CT. 2428 (2002).

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1. Manhattan & Brooklyn Juror Comments: An Overview

(A) Introduction

The strength and responsiveness of New York's judiciary and judicial system have been exemplified by its response to the Citizens Jury Project's past trimester report. As will be discussed in detail in the following section on court facilities and procedural accomplishments, court administrators and officials have been receptive to CJP's recommendations and have directly acted upon them. These improvements and the responsiveness of the court system allow for the focus of jury reforms to broaden.

New York and King's County jury facilities are a far cry from Paula DiPerna's account of a jury room in Manhattan in her 1984 book Juries on Trial:

The jury room can be as dirty as the subway at times, its windows streaked with the grease of a thousand hands, like the doors of public telephone booths. The buildings of the court system even smell like the subway-that same "we used Lysol but it didn't help" smell.⁴

As the efforts to upkeep and maintain facilities are streamlined, more substantive concerns can be focused on. New York jurors continue to comment on the many ways that jury duty affects their work and personal lives, a sentiment felt acutely in this difficult social and economic time. New York jurors are also vocal about their safety and privacy concerns, a set of concerns related to 9/11 and subsequent events, but also the nature of crime in our country.⁵ Yet, the construct of a jury is that of an open, democratic system, the jury a group of individuals that bring their community's perspectives to the court. This report will present the now common argument that reforms that enhance juror comprehension strengthen the institution of the jury and jurors' competence and confidence in the system.

The Citizens Jury Project was built upon the premise that jurors must have an active voice in our courts, and that their comments and concerns can successfully guide the administration of justice. The research of legal scholars, social scientists and educators clearly suggests that this active role must extend to the courtroom, where jurors can be active learners not passive recipients of the information and arguments presented. In discussing this issue, the first section of this report will provide a brief overview of this research on juror comprehension and juror notetaking, a jury trial innovation that research indicates enhances comprehension. The second section of the report will focus on jurors' comments collected from 60, 100, and 111 Centre Street and the 360 Adams Street courthouse, during the time period of July 1, 2002 to November 30, 2002. The report will summarize jurors' appreciative comments, and

⁴ PAULA DIPERNA, JURIES ON TRIAL, 6 (DEMBNER BOOKS,1984).

⁵ Identity theft is the fastest growing crime in our county, and violence against women remains pervasive: jurors' discomfort in disclosing their name and personal information is not unfounded. Mike Devereaux, *Protecting the Juror's Right to Privacy* (visited Dec.3, 2002) <http://www.ncsconline.org/WC/Publications/ICM_JurSelMD02Pub.pdf>.

comments on the physical environments in all four courts; it will then examine the court-specific positive and negative comments made by jurors. At the conclusion of each court-specific section, recommendations will be provided, based on the comments received from jurors and the feedback from Citizens Jury Project interns, whose weekly presence in each court gives them objective, informed perspectives on the courts. Finally, this report will conclude with a summary of the recommendations provided throughout the report, which proposes ways in which the Citizens Jury Project and the Office of Court Administration can foster greater knowledge of the courts and comprehension of the cases presented within.

(B) Court Procedural and Facilities Accomplishments

In a letter dated September 1, 2002, Chief Judge Judith S. Kaye generously wrote to the Citizens Jury Project in response to the last CJP trimester report. In her response, the Chief Judge suggested that court officials should review CJP recommendations and act upon those that were feasible. Subsequently, OCA administrators and New York and King's County court officials have met and taken significant steps to respond to and implement CJP recommendations. Specifically, the following recommendations have been or are in the process of being implemented in the 60, 100, and 111 Centre Street courthouses in Manhattan and the 360 Adams Street courthouse in Brooklyn:

1. Juror assistance prior to service: More juror assistance phone lines will be provided on the summons for jurors to contact court personnel with questions and concerns.
2. Juror assistance during service: Jurors at 360 Adams are now provided with clear instructions regarding to where they should report once they are chosen to participate in a voir dire or serve on a panel. Court officers at 360 Adams now call jurors to an area close to the assembly room, take attendance, instruct jurors about where to report and then escort the jurors to that room.
3. Summoning: Summonses will be modified to reflect the expected waiting time to enter the court facilities.
4. Court facilities: More jury-specific cleaning personnel will be provided in all four courts.
5. Signage: Improvements will be made to all facilities so that signage clearly reflects the locations of the courts, jury assembly rooms, restrooms and concessions.
6. Seating: New seating has been installed in the courthouses at 120 Schermerhorn, 15 Willoughby and 141 Livingston n Brooklyn.
7. Acoustics: Better quality audio speakers are being installed at 360 Adams, and better trained/more-experienced clerks consistently announce jurors' names.
8. Drinking water: Court officials are currently negotiating with city officials to get the water tested in the New York and Kings County courthouses. Once the quality of the water is assessed, OCA will consider installing purification filters to all freestanding water fountains.

Prior to the last CJP trimester report, OCA administrators and officials designed guidelines for the court system's treatment and assessment of non-English speakers, a measure that bears mentioning as it is consistently an issue addressed by jurors and CJP. These guidelines have been introduced to both New York and Kings County courts, and the treatment of non-English speakers has improved. Non-English speakers are now consistently addressed in the morning juror orientation and 360 Adams Street now conducts language interviews with jurors individually.

Recently, OCA has suggested that CJP interns could play a more active role in the courts in four ways:

1. Beginning in 2003, CJP interns will complete facilities evaluation forms on a daily basis in New York and Kings County, and on a weekly basis in courts located in the other boroughs. These forms will be electronically sent to the OCA's central office in Manhattan so that pressing facilities concerns can be immediately addressed. The data collected from the forms will also be stored and analyzed, in order for court administrators and officials to gain a better understanding of each courts' strengths and weaknesses in regard to facilities and maintenance.
2. OCA has proposed that CJP interns monitor civil voir dices in Manhattan, Brooklyn, and the Bronx. The interns will fill out evaluative forms that will assess if and how civil voir dire reforms are being practiced and the effect of these reforms on the process.
3. OCA is also considering the possibility of CJP interns serving as "shadow jurors" who will experience the process of serving as a juror, from the assembly room to the courtroom.
4. The fourth and final way that OCA proposed to expand CJP is by allowing CJP to provide assistance with the third major New York jury project, which will be initiated in 2003. This project will focus on jury trial innovations, such as juror notetaking and providing written instructions for jurors. It was proposed that CJP can play a role in administering surveys to judges, jurors, and attorneys, and assisting in evaluating the data collected.

CJP is grateful to the Chief Judge and court officials and administrators who have taken time to review and respond to the recommendations provided in the reports. CJP also looks forward to expanding upon the ombudsman role that the Project now plays in the courts.

2. Juror Comprehension and Juror Notetaking

(A) Jurors as Active Learners: Research on Juror Comprehension and Notetaking

Tabula rasa: the Latin words coined by John Locke in his assertion that children are born with a mind like a blank tablet that can be molded as parents and society deemed fit, is an idea that has influenced modern conceptions of the

United States, its legal system, and processes. Noam Chomsky has argued that: "...The American experience is surely the most important and interesting one to study if we want to understand the world of today and tomorrow." As reasons for this, Chomsky cites: the "power and primacy of the United States", "its stable and long-standing institutions" and that "the United States is as close to a tabula rasa as it's possible to find in the historical world." By redefining European structures, losing a conservative tradition, annihilating indigenous cultures, and overpowering its neighbors, the United States gained "opportunities to carry out political, social, and economic experiments without very much constraint."⁶

Certainly, it is within established institutions and systems that much of this experimentation has taken place. One such system, borrowed from English Common Law and archaic antecessors, is the jury. In early English courts, jurors often possessed knowledge of the dispute: the initial techniques of trial by witnesses and trial by oath evolved, with the influence of the Normans, into the "inquisition" trial technique. In this process "judges called community members who had knowledge regarding contested facts to answer questions."⁷ In contrast, although the locality of jurors is affirmed in Article III of the U.S. Constitution, impartiality is a principle found in the Sixth Amendment and the due process clauses of the Fifth and Fourteenth Amendment. The impartiality requirement addresses the right of the defendant to a panel that represents a fair cross-section of the community, yet also a panel that is objective, unbiased and willing to decide the case on the evidence presented. Thus, modern expectations of the ideal jury are conflicting. While jurors are expected to represent a cross-section of the community in which the dispute arose, jurors are also required to have little to no prior knowledge of the dispute, and to approach the trial as impartial and neutral, just as Locke conceived a child enters the world.

The expectation that jurors respond to court proceedings as passive, impartial vessels is reinforced by court officials and laws, which put restrictions upon jurors' behavior. The issue of juror notetaking is an example of this. While the legal pad is a signature of the profession itself, and judges and lawyers take notes meticulously, juror notetaking has been hotly debated throughout the years. The tradition of *tabula rasa* is reinforced to the extent that note taking is typically up to judges' discretion, and often a slate is not offered.

The American Bar Association, the National Judicial College, the Judicial Conference of the United States, and the American Judicature Society all favor juror notetaking.⁸ Certain states, such as Arizona⁹ and Colorado¹⁰, now provide

⁶ Noam Chomsky, *Madison Democracy in the United States: A Critique, Excerpts from the Future of Democracy International Symposium* (visited December 5, 2002)

<<http://www.epiic.com/archives/archives.html> >

⁷ HARVARD LAW REVIEW, *DEVELOPMENTS IN THE LAW: THE CIVIL JURY*, 1415 (MAY, 1997).

⁸ SILAS, *JUROR NOTES*, 72 A.B.A.J. 20,20 (1986).

⁹ ARIZONA RULE 18.6D OF CRIMINAL PROCEDURE

¹⁰ COLORADO RULE 16(F) OF CRIMINAL PROCEDURE

juror notebooks, equipped with preliminary instructions, case-specific laws, final instructions, and a pencil and notepaper for note taking.

The advantages of notetaking include:

- Focusing jurors' attention during proceedings¹¹
- Facilitating the process of encoding,¹² which in turn aids jurors' memory/retrieval of factual and conceptual material¹³
- Increasing juror satisfaction by keeping jurors engaged and interested in the trial¹⁴
- Enabling jurors in deliberation to reconstruct presented evidence more efficiently¹⁵
- Increasing juror confidence that jury instructions are correctly applied during deliberations¹⁶
- Promoting multi-modal, active learning¹⁷ by allowing jurors to engage through notetaking, a habitual learning mechanism employed by jurors throughout their schooling.

One common thread that links jurors is education. Although jury panels often represent a variety of educational experiences and formal levels, a majority of jurors' first and most consistent experiences in formal learning are in classrooms. The court/juror and a classroom/student comparison is not facile but is applicable, yet methods by which people traditionally learn in school, such as notetaking, have often been viewed as unorthodox in courts of law. Note-taking is not only a habitual mechanism of learning utilized across cultures, but has been shown to facilitate the cognitive process of encoding, a process crucial to developing jurors' factual and conceptual memories. More generally, notetaking promotes active, multi-modal learning, which addresses the many types of learners in class and courtroom environments. Active learning is not a new technique, but well-established in countless studies on education and by influential educators such as John Dewey in *My Pedagogic Creed*:

Article IV 1. "I believe that the active side precedes the passive in the development of the child nature... I believe that the neglect of this principle is the cause of a large part of the waste of time and strength in schoolwork. The child is thrown into a passive, receptive, or absorbing attitude."

¹¹ IBID.

¹² Encoding can be loosely defined as a process in which information is translated into a mental representation that can be stored in the memory. J.R. ANDERSON, *COGNITIVE PSYCHOLOGY AND ITS IMPLICATIONS* (Freeman 4th ed. 1995).

¹³ G. THOMAS MUNSTERMAN, PAULA L. HANNAFORD & G. MARC WHITEHEAD, *JURY TRIAL INNOVATIONS*, (1997); DAVID L. ROSENHAN, SARA L. EISNER & ROBERT J. ROBINSON, *NOTETAKING CAN AID JUROR RECALL*, 18 *LAW & HUMAN. BEHAV.* 53 (1994); SPECIAL COMMISSION ON JURY COMPREHENSION, AMERICAN BAR ASSOCIATION, *JURY COMPREHENSION IN COMPLEX CASES* (1990).

¹⁴ G. THOMAS MUNSTERMAN, PAULA L. HANNAFORD & G. MARC WHITEHEAD, *JURY TRIAL INNOVATIONS* (1997);

¹⁵ IBID.

¹⁶ IBID.

¹⁷ Numerous studies in education indicate the usefulness of notetaking. For extensive list see: DOUGLAS G. SMITH, *STRUCTURAL AND FUNCTIONAL ASPECTS OF THE JURY: COMPARABLE ANALYSIS AND PROPOSALS FOR REFORM*, 48 *ALA. L. REV.* 441 (1997).

“I believe that the ideas (intellectual and rational processes) also result from action and devolve for the sake of better control of action. What we term reason is primarily the law of orderly or effective action. To attempt to develop the reasoning powers, the powers of judgment, without reference to the selection and arrangement of means in action, is the fundamental fallacy in our present methods of dealing with the matter.”¹⁸

An environment that treats people like identical, empty vessels is not conducive to learning, yet, it seems, conceptions of jurors as blank slates persist. Critics argue that notetaking is too distracting and that some jurors do not have the ability to take notes while other do, allowing those who do to dominate deliberations. Others criticize the potential inaccuracies of juror notetaking, that juror notes may be incorrect or contain inadmissible information, and that corrupt jurors may falsify notes.¹⁹ The basis for this criticism is puzzling (for example, just like the juror who can take good notes, a juror with a good memory could just as easily dominate a non-notetaking panel) until it is examined in a broader context. In his article “Learning Lessons” and Speaking Rights”: Creating Educated and Democratic Juries”, Judge B. Michael Dann suggests:

...[T]he role of the jury changed over time from one of active participation to one of passivity today. These changes occurred primarily because the gradual seize of power and control of the trial by lawyers and judges and the simultaneous development of the adversarial trial. The retention of juror passivity is now thought to be essential to the preservation of the adversarial trial in its present form. Thus, implementation of many suggestions commentators have made to improve the jury trial process would be seen as “threatening” the current balance of power that judges and lawyers have over the trial itself, a disquieting prospect to many judges and lawyers.²⁰

This quote suggests, as does research that reviews studies on juror note-taking, that since notetaking can threaten the current balance of power in courts, it is essential to assess the current attitudes and practices of judges and lawyers. An understanding of the beliefs and practices of New York judges and lawyers will provide a context by which to evaluate and discuss the reform, which can promote juror comprehension in New York.

(B) Juror Notetaking in New York

New York, like many states, leaves juror notetaking to the discretion of the court. The Uniform Rules for Juror Deliberation read:

¹⁸ JOHN DEWEY, MY PEDAGOGIC CREED. THE SCHOOL JOURNAL, LIV, 3 (JANUARY 16, 1897). Available at: <http://www.infed.org/archives/e-texts/e-dew-pc.htm>

¹⁹ For a general review of the articles critical of note taking see: KEITH BROYLES, TAKING THE COURTROOM INTO THE CLASSROOM: A PROPOSAL FOR EDUCATING THE LAY JUROR IN COMPLEX LITIGATION CASES. GEORGE WASHINGTON LAW REVIEW (APRIL, 1996).

²⁰ HON. B. MICHAEL DANN, “LEARNING LESSONS” AND “SPEAKING RIGHTS”: CREATING EDUCATED AND DEMOCRATIC JURIES, INDIANA LAW JOURNAL, 1230 (FALL, 1993).

220.10 (b) After the jury has been sworn and before any opening statements or addresses, the court shall determine if the jurors may take notes of the proceedings. In making this determination, the court shall consider the probable length of the trial and the nature and complexity of the evidence likely to be admitted.”

In section 220.10 (c) of this law, many of the apprehensions about note taking are addressed:

- (1) Jurors should not permit their note-taking to distract them from the proceedings;
- (2) Any notes taken are only an aid to memory and should not take precedence over a juror’s independent recollection, nor should they be relied upon as a substitute for a read back from the trial record;
- (3) Those jurors who chose not to take notes should rely on their own independent recollection of the evidence and should not be influenced by any notes that another juror may take; and
- (4) Any notes taken are only for the note-taker’s own personal use in refreshing his or her own recollection of the evidence.

Judicial discretion of juror notetaking is a common approach, practiced in a majority of the states and the Federal courts. Yet, despite this corroboration, the approach seems problematic for two reasons. First, past studies have found that most judges at the state and federal courts do not exercise their discretion by allowing juror notetaking during a trial.²¹ Additionally, regardless of whether a judge is for or against juror note taking, it seems evident that courtrooms that allow juror notetaking will function differently than those that do not. This suggests an inconsistency in the trials currently being administered in New York State and in many states throughout the nation, inconsistency that warrants further analysis.

3. Summary of Jurors’ Comments from New York and Kings County

(A) Appreciative comments

Effective reform scrutinizes and borrows from the past, while recognizing progress and creating a collage of past and present that may be the future. New York and Kings County jurors are cognizant of the improvements that have been made to the jury system, court facilities and processes. In this past trimester, a range of generations shared the sentiment that “things are generally better” (dark purple in graph below):

40 Year Perspective: “Things are generally better; I know because I’ve been serving since the 60’s. I used to be exempt because I am a reverend.” (111 Centre, 8/19/02)

²¹ DOUGLAS G. SMITH, *STRUCTURAL AND FUNCTIONAL ASPECTS OF THE JURY: COMPARABLE ANALYSIS AND PROPOSALS FOR REFORM*, 48 ALA. L. REV. 441, (1997).

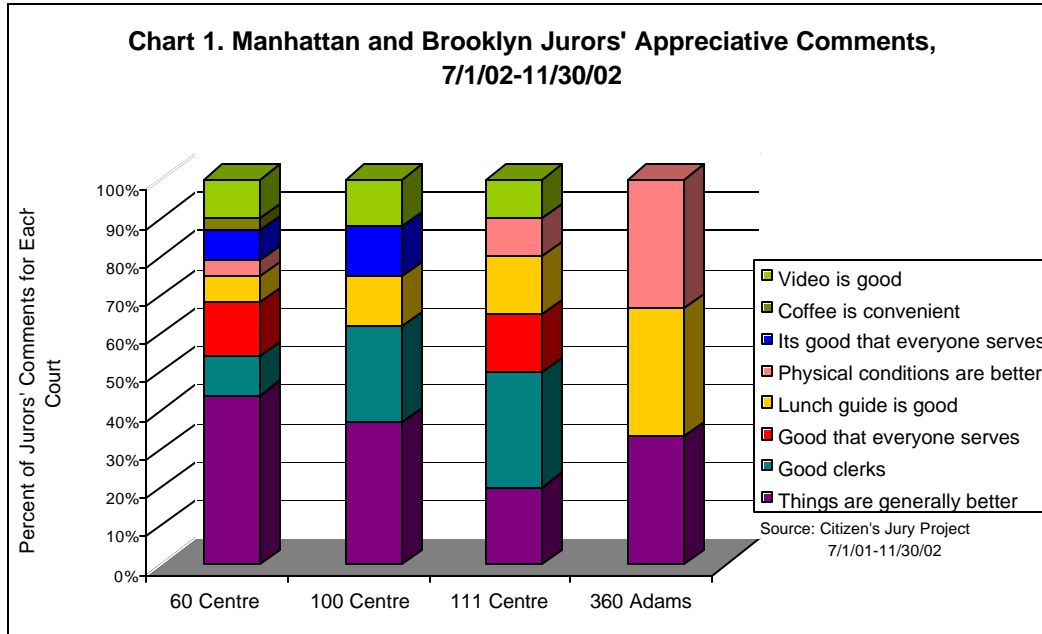
30 Year Perspective: I’ve been serving over the past 30 years and things are generally better. You know that new snack stand outside the courtroom—it’s very convenient.” (60 Centre, 7/8/02)

20 Year Perspective: “I have only positive things to say. I like Walter’s speech and the video is great. It is much better than it was in ’84. There are vending machines in the room, people tell us where the bathrooms are...” (100 Centre, 7/24/02)

10 Year Perspective: “Jury service here is much better than when I served in Long Island 10 years ago. It’s very comfortable in the jury room.” (60 Centre, 7/11/02)

4 and 8 Year Perspective: “I served on grand jury 4 and 8 years ago and lots has changed since I last served; the rooms are more comfortable and the facilities are just better.” (60 Centre, 7/29/02)

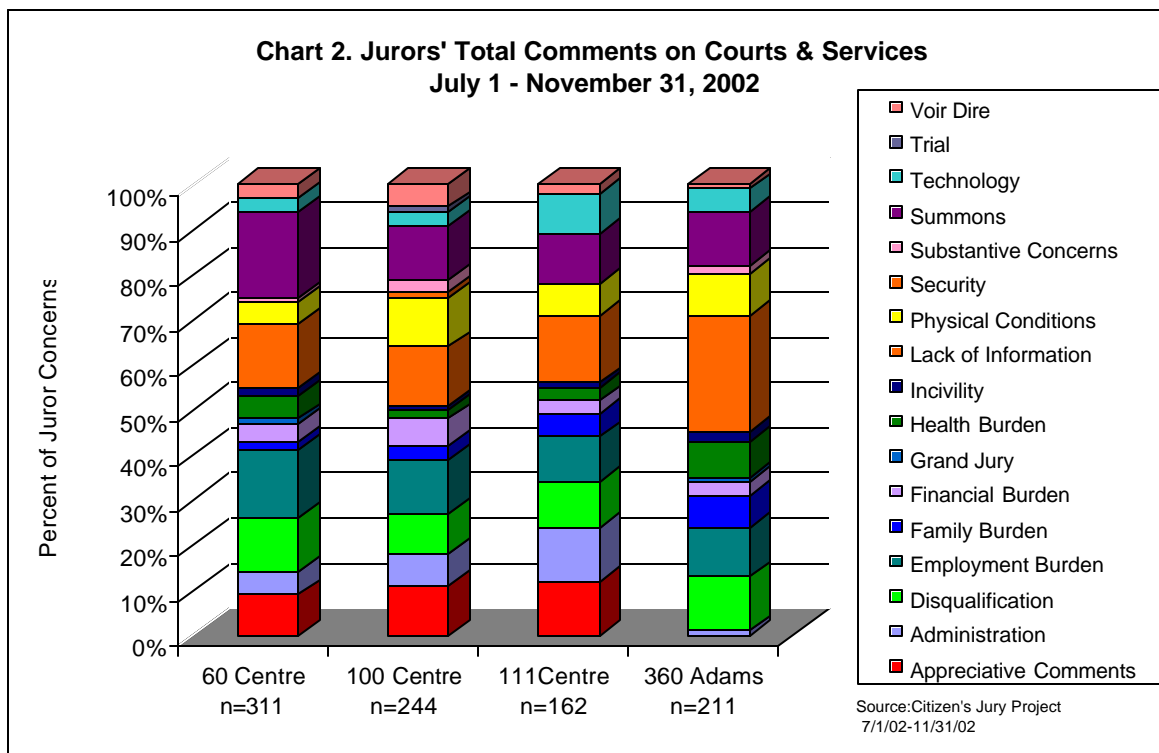
Court administrators’ and staff’s continual efforts to improve the courts are acknowledged in the comments above and also the graph below, which illustrates that jurors’ appreciate “good clerks” (blue-green). Consistent with the last CJP tri-annual report, jurors also praised the improvements made to the physical conditions of the courts (peach) and the inclusiveness of the current system, noting, “it’s good that everyone serves” (bright blue).



(B) All juror comments

While recognizing the many positive aspects of New York’s jury system, jurors also provide more critical comments, which can serve as a guide for future improvements to the system and within each court. As was the case in all other 2002 reports, summoning (purple) and disqualifications (lime green)

concerns continue to comprise the majority of the comments made by jurors. Comments on the lack of information (orange), the physical conditions (yellow), and basic life concerns such as employment (green-blue), family (bright blue), and health burdens (forest green), were also prevalent.



(C) Physical Environment

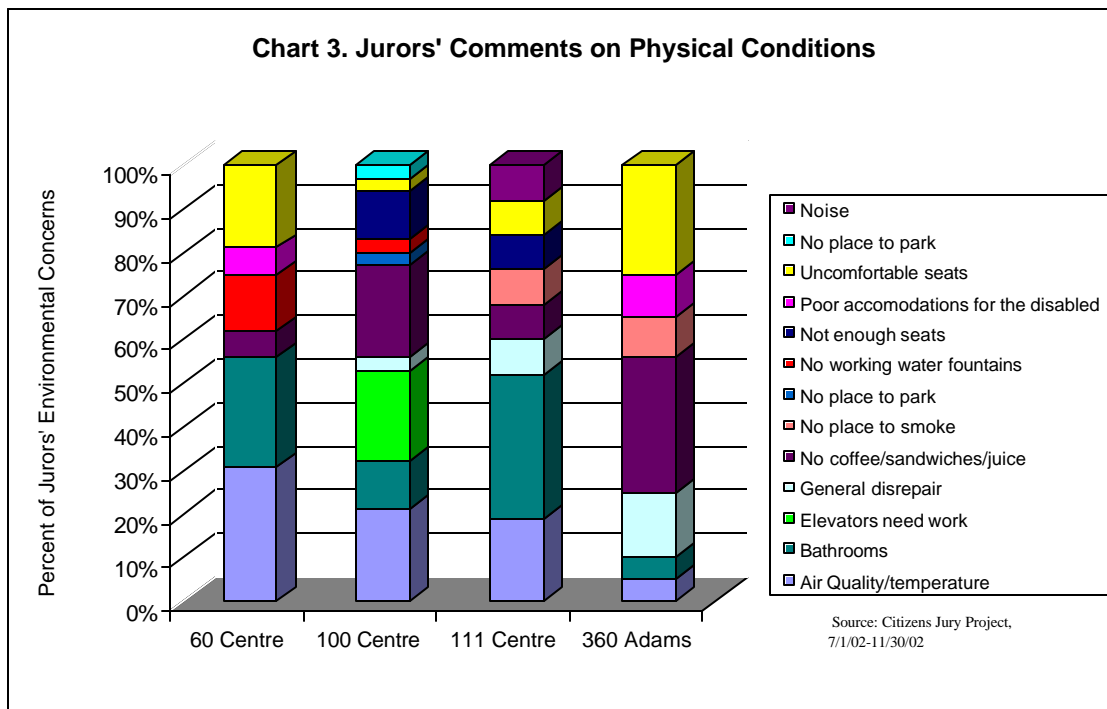
The State of New York has 275 buildings in 118 jurisdictions outside of New York City and trial court filings (excluding town and village courts) that exceed all of the federal trial courts in the nation combined.²² In addition to housing some of the busiest courts in the nation, many of New York's facilities are historic- or, more frankly, old- and thus not designed to house the large numbers and diverse needs that are brought to the courts. Since the introduction of the Court Facilities Act in 1987, facilities statewide have significantly improved: over forty new court facilities have opened, and more than fifty have undergone substantial court renovations and expansions.²³ These new and renovated court facilities set a standard for all courts in New York, but only represent a small portion of the work that must go into the facilities. Daily upkeep of the court facilities and continual assessment of facilities' safety and disability accessibility are essential components to well-functioning courts.

²² QUINTIN JOHNSTONE, NEW YORK STATE COURTS: THEIR STRUCTURE, ADMINISTRATION AND REFORM POSSIBILITIES, 43 N.Y.L. SCH. L. REV. 915 (2000).

²³ Ronald Younkins, *Court Facilities Renewal*, NYSBAJ (visited November 15, 2002).

<http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/Shop/Bar_Journal/younkins.pdf>

Jurors’ responses to the physical conditions in Manhattan and Brooklyn courts illustrate common problems in court facilities, but also court-specific issues. The conditions of the bathrooms (blue-green), the air quality and room temperature (lilac), the discomfort of the seats (yellow), and lack of adequate coffee, sandwiches, and juice (purple), comprise the majority of total juror comments. Jurors at 60 Centre and 111 Centre expressed particular concern about the bathrooms, while jurors at 100 Centre and 360 Adams complained about the lack or inaccessibility of coffee, sandwiches, and juice. Court-specific comments include: the lack of working water fountains at 60 Centre (bright red), a need to repair the elevators at 100 Centre (lime green), and a need to continue to improve the accommodations for people with disabilities at 360 Adams (bright pink).



4. 60 Centre Street

(A) Summary of juror concerns

The 60 Centre Street courthouse, which opened in 1927, is a jewel box of neo-classic court architecture and also the busiest civil courthouse in the nation. With filings that have ranged from 24,818 to 27,941 per year in the past decade, the facility is overwhelmed daily. However, the courteous and professional staff and improvements that have been made to the physical environment allow for jurors to have positive experiences and favorable, long-lasting impressions. Not surprisingly, jurors frequently commented that “things are generally better” at 60 Centre, and that good clerks and environmental improvements are appreciated.

Congruent with the last trimester report, “lack of information” tops the list of critical concerns at 60 Centre, while summoning concerns and the stress that jury service puts on jurors’ employment and personal lives were also frequently mentioned. Indeed, six of the ten most critical concerns related to jurors’ lives outside the courts, including jurors who have a medical problem or are elderly, jurors with employment or educational concerns, and jurors who face financial hardship or care for children or the elderly.

Top Juror Concerns—60 Centre Street	
7/01/02 – 11/30/02	
(Total Concerns = 311)	
Top 5 Appreciative Concerns	Count
Things are generally better	13
Good that everyone serves	4
Good clerks	3
Physical conditions are better	3
Video is good	3
Top 10 Critical Concerns	Count
Lack of information/incorrect information	42
Would like a postponement/deferral	31
Medical problem/old age	14
Very disruptive to my work	14
Problems with name/address	13
Wasted time	12
Self-employed people should be exempt	9
Student feels entitled to exemption	8
Financial hardship	7
Elder/child care	5

(B) Breakdown of juror concerns

Jurors find the physical conditions at 60 Centre Street to be generally favorable. As was the case in the last trimester report, none of the top-ten critical concerns relate to the physical conditions. Yet, simultaneously, certain aspects of 60 Centre’s physical conditions are frequently commented on, including the air temperature and quality, the bathrooms, seating and the availability of drinking water. Once more jury-specific cleaning staff are introduced into New York and Kings County courts the conditions of these bathrooms will improve (*see supra* section 1B, p. 2, for a summary of the recommendations being implemented). The lack of drinking water will also be addressed once the water is tested and filters are installed. In addition to these improvements, CJP recommends repairing all of the water fountains at 60 Centre: since the last trimester report, none of the fountains have been repaired.

60 Centre: Physical Conditions	Count
Air temperature/quality	5
Bathrooms	4
Uncomfortable seats	3
No working water fountains	2
Poor accommodations for people with disabilities	1
Poor selection of coffee/sandwiches/juice	1

A clear majority of jurors' summoning concerns center on a need to postpone or defer service. There is a multitude of reasons why jurors want to postpone, often related to jurors' lives outside of the courts. Two questions that the court system can continue to assess are how can jury service become more integrated in jurors' lives so that they consider jury service a right and responsibility that they will make time for, and what further accommodations can be made in order to ease the burden that service can inflict on jurors' personal lives?

60 Centre: Summoning	Count
Would like a postponement/deferral	31
Problems with name or address	13
In non-compliance	4
Would like to volunteer	4
Disproportionate summoning	2
Summoned within 2 years of service	2

"Lack of information" is a concern that is often related to the summoning process and, like summoning, is frequently mentioned by jurors in the courts. The following juror expresses a common concern:

"I received a summons for jury duty on October 2. Since I received it last week, I have lost it. Could you please send me another one? I am not exactly sure which courthouse I am supposed to report to." (10-10-02)

Jurors often realize that they have misplaced their summons within a few days of service or on the day that they must serve. Since the juror hotline only operates during business hours, jurors who are called to the courts on Monday are particularly confused about where to report. CJP believes that one way to lessen juror confusion is to promote both the New York County Commissioner of Juror's website (www.manhattanjuror.org) and the Unified Court System's jury website (www.nyjuror.com). The New York County Commissioner of Juror's website is currently listed on the summons and is useful to jurors in that it contains answers to jurors' questions and pertinent information. However, the Unified Court System's website is not listed on the summons. CJP encourages New York County to include the Unified Court System's website address on the summons because it contains more comprehensive information on jury service, and will soon be a means by which jurors can submit their qualification

questionnaires and postpone their service online. The Unified Court System’s website allows the summoning process to be more efficient and informative and should be promoted.

Other comments related to the “lack of information” category range from how to notify the courts about a change of address, to what are employer’s responsibilities in terms of payment during service? The one court-specific question that is still encountered by CJP interns entirely too frequently to record is “where is the women’s restroom?” As has been discussed in the last two CJP reports, the issue of signage for the restrooms, particularly the women’s restroom, is not a question of the quantity of the signs, but their placement. Although four signs are hung on and around the women’s restroom, no signage directs women in or around the assembly room to the restroom. The CJP recommends placing proper signage in passageways that are used to access the restrooms.

The amount of “lack of information” comments that CJP receives is sizable, yet even when jurors ask questions of CJP it appears that they are beginning to gain a better understanding of the process and parameters of jury service. The following quote is a case in point:

“I served as a juror for 2 weeks during Feb 2000 with the NYS Supreme Court. A few weeks ago, I received a questionnaire for the US District Court - Southern District. I indicated that I had served in the NYS Supreme Court in Feb. 2000. As long as I served in Feb. 2000, I am exempt for four years - right? What can I do if I can't find the certificate of jury service?”

60 Centre: Lack of Information	Count
Lack of information/incorrect information	42
Needed information ahead of time	2
Needed directions to the court house	1

The old adage “time is money” is unquestionably the case in New York, particularly in the tough current economy. “Wasted time” was jurors’ primary criticism of the administration of 60 Centre. Jurors complaint that the “process does not start on time” is captured by this juror:

"Why do they call out names and then make us stand in the hall for twenty minutes? They should only call on us when they are ready for us. We do enough waiting around as is." (9/18/02)

60 Centre: Administration	Count
Wasted time	12
Process does not start on time	3
Service is too long	1
Service should be more flexible/accommodating	1

Employment concerns at 60 Centre have doubled since the last trimester report. The self-employed were the population who expressed the most employment concerns. Independent professionals such as caterers, actors, and artists not only rely on their performances or services to earn money, but also to acquire a client base and positive reputation or notoriety:

"I'm working in Manhattan, just trying to make a living, but have been really affected by the economy since 9/11. I'm a caterer and jury service for two weeks has ruined me financially." (9/18/02)

Unemployed individuals, whose work it is to spend their days applying and interviewing for positions, are very affected by jury service, as are jurors who recently obtained a new position:

Do we really have to stay here all day? I have waited a year and a half to get this job. I can't be taking days off and they are making me do this! (8/28/02)

60 Centre: Employment Burden	Count
Very disruptive to my work	14
Self-employed people should be exempt	9
Student feels entitled to exemption	8
My business will suffer	5
Concern with unhappiness of employer	3
Am losing major work assignments	2
My patients will suffer	2
My students will suffer	2

The amount of jurors who approached CJP interns with financial concerns has tripled since the past trimester. Often jurors financial concerns intersect with other personal concerns, such as familial and employment concerns:

"I've postponed one time already, but I need to postpone again. I have been in divorce court, which has been really hard on me, for the last six years. [...] Now, after barely scraping by with that court case, surviving 9/11 and this economy, I'm self-employed and in the middle of a commission." (11/12/02)

60 Centre: Financial Burden	Count
Financial hardship	7
Only get paid for hours worked	2
Pay is not enough	1
Severe financial hardship	1

Technology can serve as a means to ameliorate jurors' employment concerns and the sentiment that there is too much "wasted time" during jury service. Since the last CJP report, the one modem that was located within the hallway

leading to the jury assembly room has been removed. The device worked sporadically and elicited numerous complaints from jurors, causing the court to have to call for repair and maintenance. On October 3, 2002, the New York Law Journal reported that wireless access is being piloted for lawyers at 60 Centre Street. CJP believes that wireless access should be available for jurors also, many of whom own their own computers and would appreciate and utilize the service.

While CJP supports wireless access, we have reservations regarding the concurrent online initiative that the Unified Court System has undertaken with the Commission for the Blind and Visually Handicapped. This initiative would equip courthouses with one computer terminal each, for public, online access, and would be costly for the system, both administratively and fiscally. Administratively, computers are like copy machines, but worse. As 60 Centre Street’s experience with the computer port illustrates, these systems often break down or malfunction, particularly when a variety of individuals with varying degrees of computer proficiency use them. Additionally, because it would operate on a fee for service basis, individuals can be over-charged or billed for online access they did not use. Fiscally, the installation of these terminals would be costly, particularly in light of the minimal benefit that one computer terminal can provide court users. Finally, this service would cost court-users \$1.00 a minute and therefore would only be affordable for populations who have their own computers and could bring them to courthouses equipped with wireless access.

60 Centre: Technology	Count
Need phone lines for computers	2
Video is bad	2
Should have video/movie/t.v.	2
Need more phones	1

Medical problems and issues associated with old age comprise the majority of family and health concerns. Caretakers of children, people with disabilities and the elderly also frequently express concerns that service is infeasible, as other individuals’ lives are dependent on them. As mentioned in the previous trimester report, service is particularly difficult for low-income individuals who lack the financial resources to pay for child or adult care and generally face greater health burdens and access to care.²⁴

60 Centre: Family/Health Burden	Count
Medical problem/old age	14
Elder/child care	5
Need to pick up children	2

²⁴ See, for example: DIVISION OF HEALTH CARE SERVICES (HCS) & INSTITUTE OF MEDICINE, *CARE WITHOUT COVERAGE: TOO LITTLE, TOO LATE* (2002). Available at: <http://www.nap.edu/books/0309083435/html/>

Elderly should not have to serve	1
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(C) Recommendations

1. Physical Environment:
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Repair water fountains so that they consistently function properly. Additional steps that can be taken include: installing a new water fountain in an area frequently used by jurors, and ensuring that the vending machines and coffee stand are consistently stocked with bottled water.
 - Test and install water filtering systems in New York County courthouses.
 - Maintain an adequate number of cleaning staff throughout the building.
2. Summoning:
 - Provide the Unified Court System's jury website (www.nyjuror.com) address on the summons. This site will compliment the New York County Commissioner of Juror's website (www.manhattanjuror.org), which is currently listed on the summons; whereas the County Commissioner's site provides county-specific information, the Unified Court System's site provides comprehensive information on service in New York State.
 - Modify the summons to reflect the expected waiting time to enter the court facilities.
3. Lack of Information:
 - Improve signage for the women's bathrooms. As noted in all CJP 2002 reports, CJP consistently receives comments on the need to post clear signs for the bathrooms. Upon inspection, CJP interns have found that it is not the quantity but placement of the signs. Clearly posted signs in the hallway leading to the central jury room are needed.
 - Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel. Clearly inform jurors about any changes in service or room changes.
 - Provide 60 Centre with their requested disability signage, which will clearly indicate where the office of the ADA liaison is located in the building.
4. Administration
 - Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.

- Provide child care information for jurors who are caretakers seeking a postponement or dismissal. Organizations such as C.A.S.A. have extensive lists and experience with day care facilities in each county, and can serve as an excellent resource to locate centers that are in close proximity to the courts. Although many care takers may opt out of serving instead of using child care, easy access to information promotes inclusion rather than the dismissal of caretakers.
- State clearly to jurors, in morning orientation, that postponements and deferrals can be made in room 139.

5. Technology/Communications:

- 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.
- Offer information on County website (www.manhattanjuror.com) in Spanish and other predominant languages. Website translation services are often free (e.g., <http://world.altavista.com/>) and software is very affordable. 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.

5. 100 Centre Street

(A) Summary of juror concerns

Jurors at 100 Centre recognize that "things are generally better" and continue to praise friendly, professional clerks and court officers. The following juror's comment reflects these general sentiments:

"The clerks are so much nicer today. It used to be sit down and shut-up. I think you and Judge Kaye are doing a great job." 9/26/2002

In terms of critical comments, "lack of information" is the concern most frequently noted by jurors, while "needed information ahead of time"-a related concern- was also mentioned with some frequency. Jurors at 100 Centre complained more often about the physical environment than jurors at 60 Centre. 100 Centre Street jurors commented on the need to improve the air quality/environment, that the elevators at 100 Centre need to be repaired and improved, and that the court should have accessible coffee/sandwiches/juice for jurors. Jurors personal concerns in relation to service comprised three of the top ten critical concerns, including concerns about elder/child care, religious or personal objections, and the employment/financial concern of only receiving payment for hours worked.

Top Juror Concerns—100 Centre Street	
7/1/02-11/30/02	
(Total Concerns = 244)	
Top 5 Appreciative Concerns	Count
Things are generally better	8
Good clerks	7
Good that everyone serves	6
CJP lunch guide is good	4
Video is good	2
Top 10 Critical Concerns	Count
Lack of information/incorrect information	22
Wasted time	13
Would like a postponement/deferral	13
Religious/personal objection	7
Needed information ahead of time	7
Air quality/temperature	6
Elder/child care	6
Elevators need to work	6
No coffee/sandwiches/juice	6
Only get paid for hours worked	6

(B) Breakdown of juror concerns

Jurors' criticism of the physical environment at 100 Centre focused primarily on the air quality/temperature, the malfunctioning elevators, and the need for accessible coffee/sandwiches and juice. From CJP's perspective, the most pressing environmental concern is the condition of the elevators, which pose considerable health and safety risks. The conditions of the elevators affect all who utilize or work within the building. The following quote is from an employee of the court system, who approached CJP on his own accord:

"I am extremely frustrated--I work in the Attorney General's office and can't get to the 16th floor because the elevator is not working." (7/10/02)

Poor air circulation is a concern in both the summer and winter months. On the 15th floor of 100 Centre, where the jury room is located, the hallways tend to be hot and stuffy, due to the lack of air-conditioning or fans.

"The air conditioning is pathetic - turn it up. I got stuck in the elevator. People get stuck here like in prison." (7/29/02)

In response to the complaints of jurors and other people who work in or use the courthouse, the Office of Court Administration has begun plans to refurbish and replace malfunctioning elevators at 100 Centre. Work on the elevators will begin in January 2003, and will dispel the common concern that the elevators are a threat to safety and hinder court operations and efficiency.

Another common concern that is being addressed at 100 Centre is the need for more accessible coffee, sandwiches and juice. CJP has met with court officials and the Commission for the Blind and Visually Handicapped (who services the coffee booth at 60 Centre) to discuss the possibility of a coffee stand similar to that at 60 Centre, for both the 100 and 111 street courthouses. It was decided that it is more feasible to pilot the next coffee stand at the 100 Centre courthouse, and currently OCA officials are discussing the plan with the City.

100 Centre: Physical Conditions	Count
Air quality/temperature	6
Elevators need to work	6
No coffee/sandwiches/juice	6
Not enough seats	3
General disrepair	1

Jurors’ summoning comments at 100 Centre primarily centered on the need to obtain a postponement or deferral. Some jurors also expressed concern about being summoned disproportionately or that the summons could be more readable and provide more accurate information. Many New York county jurors have suggested, and CJP agrees, that the Canal Street subway stop should be noted on the summons:

“The map on the summons is really hopeless. The 4/5 is marked as City Hall, but Canal is closer. Also it’s too small.” (9/11/02)

100 Centre: Summoning	Count
Would like a postponement/deferral	13
Summoned within two years of service	4
Disproportionate summoning	3
Unreadable summons	2

In regard to lack of information, jurors continue to comment on not knowing where to report when they arrive late, and where to seek postponement or dismissal in New York County. Often juror’s lack of information concerns intersect with other juror concerns, such as employment concerns:

“I’m a part-time employee. Will my employer have to pay me? Juror's Handbook should address the issue of whether part-time employees get paid. I am also looking for a full-time job, and I can't stay here long. How am I going to pay my rent if I can't look for a job or work in the meantime? (9/26/02)

Public and private outreach that promotes greater knowledge about jury service, and the rules and parameters entailed, will decrease juror/employee confusion and increase the efficiency of the system.

100 Centre: Lack of Information	Count
Lack of Information/incorrect information	22
Needed information ahead of time	7
Needed directions to the courthouse	3

In regard to administrative concerns, jurors at 100 Centre commented on wasted time and that the process should start on time. Jurors suggested that people not only need to feel comfortable, but productive, and that providing internet access in the courts could improve the experience for jurors.

“I think that there is too much time wasted. I literally spent all day doing nothing. This is a serious problem. People have to be productive. I'd be happy to serve instead of doing nothing.” (9/9/02)

“Why do they give us an hour and 40 min. for lunch? That’s a waste of precious time. Also, there has to be a better way of doing this than having us idle around for three days and not even serve.” (10/31/02)

On October 17, CJP received a comment so atypical that it is impossible to categorize, yet with a weight that necessitates it being mentioned and addressed:

I recently served on a criminal trial in October. After providing our verdict, the judge dismissed the jury and we proceeded to exit the courtroom. As we were exiting, the defendant attempted to assault the jury. As the foreman of this jury, I believe that this assault was directed towards me (it is my view, and the view of the other jurors whom I talked with, that the defendant was lunging in my direction in an effort to attack me). Nonetheless, I was able to run out of the courtroom, and immediately after exiting, I heard a shot fired. I later learned that the defendant had managed to grab a gun from one of the court officers, and the defendant was the one who fired the shot (the bullet ended up in the wall behind where the jury was walking). (10/17/02)

In response to the incident, the court system now equips all court officers with locking holsters, a type of holster that the court officer whose gun was taken did not have. This is a positive step, but CJP believes that this exceptional incident also points to the need to continually assess and reassess security throughout each courthouse. All environments are in perpetual states of change: assessing security, like disability accessibility, must be a constant, and unending court facilities process.

100 Centre: Administration/Technology	Count
Wasted time	13
Process should start on time	3
Need phone lines for computers	2
Adopt a one-day-one-trial rule	1
Security must be improved	1

Jurors at 100 Centre expressed a wide-range of employment concerns during this trimester. As was the case at 60 Centre, self-employed individuals expressed a large amount of concern over the effect jury service has on their employment opportunities and finances:

“I am self employed and the length of time that I sit here --every minute I sit here- is a hardship. The prospect of serving is a bit scary because I’d lose so much work.” (9/9/02)

“Free lancers are not included in the [jury] handbook. I won't be able to pay my rent or bills. I can't predict when it would be a better time to serve.” (9/3/02)

Unemployed individuals expressed similar concerns:

“I think it is terrible to be here. The market is bad and if you can get work, take it. I haven't been able to find work in the past month, but now it should pick up and I have to be here!” (8/14/02)

Some professionals believe that their line of work and/or formal level of education will preclude them from ever serving:

“I'm a criminal lawyer and I know that cases are not going to be called at this time of the year or that they are actually going to choose me. I know too much.” (8/22/02)

Other jurors’ employment concerns indicate that their employers/union officials may not fully understand the laws pertaining to service, or may be attempting to avoid their payment obligations:

“How does it work? This is my 4th time here. I am in a union, but lose health benefits if I don't work. What do I do?” (8/29/02)

“My employer is giving me a hard time. My building has nine employees but the company owns other buildings as well. If the other buildings are factored into the company’s [total number of] employees [then there are] more than ten. Does that mean my employer will pay me for the time I serve as a juror?” (9/27/02)

100 Centre: Employment Burden	Count
Am losing major work assignments	5
Student feels entitled to an exemption	5
Very disruptive to my work	5
Self-employed should be exempt	5
Concern with unhappiness of employer	2
Lawyers should be exempt	2

In addition to employment burdens, financial concerns were also clearly expressed at 100 Centre. The majority of the jurors who commented on the financial concerns complained that they are only paid for the hours that they work, and thus do not have the flexibility of salaried workers. Some jurors also expressed that they are currently facing severe financial hardship or financial hardship that service exacerbates.

100 Centre: Financial Burden	Count
Only get paid for hours worked	6
Severe financial hardship	4
Financial hardship	2
Juror pay is not enough	1
Employer should pay salary	1
Car fare is needed	1

Caretakers often face both financial concerns and familial responsibilities that inhibit their ability to serve. During this trimester, the majority of juror comments received in the category of “Family/Health Burden” were from caretakers, though some jurors also reported that their medical problem or age precludes their ability to serve.

100 Centre: Family/Health Burden	Count
Elder/child care	6
Medical problem/old age	4
Need to pick up children	1

CJP does not typically receive a sizable number of juror comments regarding voir dire, due to the fact that CJP booths are located in or close to the jury assembly room. However, curiously, CJP received a number of voir dire comments from 100 Centre Street jurors this trimester. Jurors complained that they were made to wait in the halls, that the questioning during voir dire was intrusive and personal, and that the attorneys wasted time in the process. These and the other comments listed below, suggest that the OCA’s proposal that CJP expand the project beyond the assembly room is warranted (see *supra*, p. 3).

100 Centre: Voir Dire	Count
Made to wait in halls	4
Intrusive personal questions	3
Time wasted by attorneys	2
Should be pre-screening	1
I asked to take notes but couldn’t	1
Judge seemed to have case decided	1

(C) Recommendations

1. Physical Environment:
 - Proceed with plans to refurbish/replace the elevators. Jurors, court employees and CJP interns have consistently voiced concern over the elevators at 100 Centre. Improvements on the elevators will promote courthouse safety and efficiency.
 - 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. Encourage the city officials to agree to install the plumbing necessary to sanitize the coffee pots so that coffee and food may be offered for jurors at 100 Centre.
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Repair water fountains so that they consistently function properly.
 - Test and install water filtering systems in New York County courthouses.
 - Maintain an adequate number of cleaning staff throughout the building.
 - Ventilate the hallways with either air conditioning or fans in the summer months and circulate and moderate the temperature in the winter months.
 - Reconstruct the door to the women's bathroom in the jury room so that it is accessible for people with disabilities
2. Summoning:
 - Provide the Unified Court System's jury website (www.nyjuror.com) address on the summons. This site will compliment the New York County Commissioner of Juror's website (www.manhattanjuror.org), which is currently listed on the summons; whereas the County Commissioner's site provides county-specific information, the Unified Court System's site provides comprehensive information on service in New York state.
 - Modify the summons to reflect the expected waiting time to enter the court facilities.
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. Clearly inform jurors about any changes in service or room changes.
4. Administration
 - Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.
 - Provide child care information for jurors who are caretakers seeking a postponement or dismissal. Organizations such as

C.A.S.A. have extensive lists and experience with day care facilities in each county, and can serve as an excellent resource to locate centers that are in close proximity to the courts. Although many care takers may opt out of serving instead of using child care, easy access to information promotes inclusion rather than the dismissal of caretakers.

- State clearly to jurors, in morning orientation, that postponements and deferrals can be made in room 139.
- Call jurors to voir dire when the courtroom/voir dire room is available and the judge, attorneys, and court officers are ready to seat jurors and initiate the process. When jurors wait in the hallways, juror stress escalates and the hallways become clogged.

4. 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.
- Offer information on County website (www.manhattanjuror.com) in Spanish and other predominant languages. Website translation services are often free (e.g., <http://world.altavista.com/>) and software is very affordable. 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.
- Update the juror assistance phone numbers to reflect current information about the courts, such as the holiday schedules and peak periods of waiting time in the security lines.

6. 111 Centre Street

(A) Summary of juror concerns

Jurors at 111 Centre acknowledge that “things are generally better” in the courthouse and that the “good clerks” are the primary reasons the courthouse environment has improved. “Lack of information/incorrect information” was the most commonly cited concern at 111 Centre. Jurors also frequently approached CJP seeking a postponement/ deferral and with the complaint that service wastes jurors’ time. As was the case in the last trimester report, personal concerns in relation to service made up a large percentage of the jurors’ critical concerns at 111 Centre. Jurors stated that service impeded their work outside of their homes or as caretakers, and that service is burdensome due to medical concerns and/or old age.

Top Juror Concerns—111 Centre Street	
7/1/02-11/30/02	
(Total Concerns = 162)	
Top 5 Appreciative Concerns	Count
Good clerks	6
Things are generally better	4
CJP lunch guide is good	3
Video is good	3
Good that everyone serves	2
Top 10 Critical Concerns	Count
Lack of information/Incorrect information	21
Would like a postponement/dismissal	14
Wasted time	12
Very disruptive to my work	8
Elder/child care	8
Should have a call-in system	6
Need phone lines for computers	5
Medical problem/old age	4
Bathrooms	4
Concern with unhappiness by employer	3

(B) Breakdown of juror concerns

The bathrooms' upkeep and maintenance were jurors primary "physical conditions" concern at 111 Centre. Jurors also commented on the air quality and temperature of the building, and that the lack of seating and the inaccessibility of coffee, sandwiches, and juice impeded jurors' comfort in the court.

111 Centre: Physical Conditions	Count
Bathrooms	4
Air quality/temperature	2
Not enough seats	1
No coffee/sandwiches/juice	1

Jurors seeking a postponement or deferral comprised the majority of jurors who commented on summoning at 111 Centre. Most jurors who approached CJP seeking postponement or dismissal reported not knowing that they should visit room 139 at the 60 Centre courthouse to postpone service. CJP recommends that during all New York County courts' morning orientations, clerks should clearly state that jurors seeking postponement or dismissal should report to room 139.

111 Centre: Summoning	Count
Would like a postponement/deferral	14
Problems with name or address	2
Received multiple summonses	1
Would like to volunteer	1

Although the “lack of information” category is rather all-encompassing, jurors in New York and Kings County consistently report a need to know more information about the process of serving, from summoning to dismissal:

“We need more information about what's going on, how the process of getting picked as a juror works and more updates about when we'll be called for questioning. I'm glad about being a juror; it's a privilege.”

(8/12/02)

CJP suggests that jurors should be provided with more verbal information about the process of serving in morning orientation and while jurors are participating in the various stages of the process. This information can include court-specific information, such as the fact that 111 Centre hears both civil and criminal cases, and general juror information, such as how the voir dire process is conducted.

111 Centre: Lack of information	Count
Lack of information/incorrect information	21
Needed information ahead of time	3
Needed directions to the courthouse	1

Jurors' primary administrative concern at 111 Centre is “wasted time”, a concern that often relates to a lack of information:

“Why do they call so many people to serve and then not use them as jurors?” (8/12/02)

The following juror's comment clearly indicates that more information and updates on the process will assuage the sentiment that service is a waste of time:

“This system is inefficient, we get no feedback about why we're just waiting around. This is an abuse of my personal time.” (8/16/02)

During this trimester, CJP also received an email message from a juror who expressed concern over the amount of personal information disclosed in court:

**To whom it may concern,
I just finished jury duty. I was assigned to a case, a criminal case. I had no objection to being selected to serve on this jury or to spend a week of my time to perform this service. I did indeed have an objection to the**

defendant having available to him my first and last name, the town in which I reside and my place of employment. My personal information, I felt, was of no importance to the case. It would have been okay if it was on first name only basis in the court room in front of the defendant. I was given a juror number that should have also been sufficient. It was a very uncomfortable feeling to have this information at this person's disposal. I am not sure if this was the right avenue to go through with my concern but I will be going through every avenue possible. I did not mind fulfilling my responsibility and would do it again but there are a few changes that need to be made.

Sincerely,
 A former juror (10/28/02)

Anonymous juries and more generally, juror privacy, have been widely-discussed recently, as a result of Missouri's Rule 27.09. This rule, which was scheduled to be enacted on January 1, 2003, would seal jury lists and questionnaires at the conclusion of criminal proceedings. Most states allow anonymous juries at the discretion of trial judges; critics charge that a blanket rule such as Missouri's violates the presumption of openness and innocence inherent in the system and the First Amendment rights of the press. On December 25, it was reported that Missouri's high court reversed itself and that the rule will not go into effect in 2003.²⁵ Missouri's actions reflect the difficulty of this issue and the contradictory reactions that can be felt in an effort to balance rights.

111 Centre: Administration	Count
Wasted time	12
Not enough cases for jurors	3
Service should be more flexible/accommodating	2
Service is too long	2

As was the case in the other Manhattan courts, jurors see internet access at 111 Centre as a needed technological improvement. Jurors also expressed the common misunderstanding that New York County does not have a call-in system. Although this system was instituted in 2001, due to the high utilization rate, jurors in New York County are consistently called in. The recent addition to the Unified Court System's jury website, which allows jurors to check their status online, will help jurors feel that they can check-in ahead of time, even if they will probably be called. CJP recommends promoting this feature of the website on the summons.

111 Centre: Technology	Count
Should have a call-in system	6
Need phone lines for computers	5

²⁵ MICHAEL D. SORKIN, MISSOURI HIGH COURT REVERSES ITSELF ON SEALING JURORS' NAMES, THE POST-DISPATCH (DECEMBER, 25, 2002).

Problems with video/tv/speakers	2
---------------------------------	---

Jurors at 111 Centre often expressed the concern that service will affect both their employment and finances. Financial concerns are particularly common among the self-employed and those workers that get paid on an hourly basis. The effect service can have on jurors’ jobs and responsibilities, is felt by individuals working in a wide-range of environments:

“I can’t do jury service, I’m a security guard. You wanna leave a building on 188th Street in Harlem unattended? Someone’s gotta be there.”
(9/17/02)

“I feel torn about serving as a juror. I recognize the need to have a proportionate and representative jury pool, yet as a physician I have a responsibility to my patients to be available. This dilemma is compounded by the fact that I will probably not be selected, making my time here a waste.” (7/18/02)

111 Centre: Employment/Financial Burden	Count
Very disruptive to my work	8
Concern of unhappiness by employer	3
Financial hardship	3
Self-employed people should be exempt	1
Employers should pay salary	1

Caretakers consistently express concern about the burden that service puts on their lives, their families, and the children, elderly, or people with disabilities that they care for. Often caretakers’ responsibilities exceed caring for another:

“I am moving to Maryland soon and packing for that. Also, I have a doctor’s appointment tomorrow and have to take my Grandma to the doctor. Do I have to be here all day? Just for one day? What do I do about a doctor’s appointment?” (7/8/02)

Some child caretakers believe that they should be automatically exempt from service for the first years of their child(ren)’s live(s):

“Women who have recently had children should be dismissed for 2 years. It is in the city’s best interest to let mothers nurse so there will be healthy babies and mothers.” (8/18/02)

Children’s health and well-being should unquestionably be one of the City’s primary concerns. However, excluding caretakers from juries would be an ineffective and inappropriate response. The large amount of children living below the poverty line in New York County (38.4%²⁶), the 47,000 eligible

²⁶ U.S. Census 2000, available at: www.census.gov/main/www/cen2000.html

working parents waiting to get into the city's day care system, and the 7,000 day care workers who have worked without contract for over three years, gain little from overly-lenient or exclusionary measures.²⁷ Instead, it seems necessary and advantageous to explore ways to promote the inclusion of caretakers into the system.

111 Centre: Family/Health Burden	Count
Elder/childcare	8
Medical problem/old age	4

(C) Recommendations

1. Physical Environment:

- Repair water fountains so that they consistently function properly.
- Clean and maintain bathrooms outside of the jury room on a regular basis--at least two to three times daily.
- Test and install water filtering systems in New York County courthouses.
- Maintain an adequate number of cleaning staff throughout the building.

2. Summoning:

- Provide the Unified Court System's jury website (www.nyjuror.com) address on the summons. This site will compliment the New York County Commissioner of Juror's website (www.manhattanjuror.org), which is currently listed on the summons; whereas the County Commissioner's site provides county-specific information, the Unified Court System's site provides comprehensive information on service in New York state.
- Modify the summons to reflect the expected waiting time to enter the court facilities.

3. Administration

- Give jurors more comprehensive information about the process of serving during morning orientation and throughout the process of service.
- Provide child care information for jurors who are caretakers seeking a postponement or dismissal. Organizations such as C.A.S.A. have extensive lists and experience with day care facilities in each county, and can serve as an excellent resource to locate centers that are in close proximity to the courts. Although many care takers may opt out of serving instead of using child care, easy access to information promotes inclusion rather than the dismissal of caretakers.

²⁷ Kate Stohr, *Day Care in New York* (visited December 19, 2002).
<www.gothamgazette.com/iotw/daycare/>

- State clearly to jurors, in morning orientation, that postponements and deferrals can be made in room 139.

4. 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.
- Offer information on County website (www.manhattanjuror.com) in Spanish and other predominant languages. Website translation services are often free (e.g., <http://world.altavista.com/>) and software is very affordable. 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.

7. 360 Adams Street

(A) Summary of juror concerns

Since the last trimester report, the chief administrative staff, clerks, and court officers at 360 Adams have implemented or are in the process of implementing four improvements to court processes and conditions within the courthouse:

- **Audio communication with jurors will be improved:** In response to jurors' comments and concerns, better quality audio speakers are in the process of being installed at 360 Adams, and better trained/more experienced clerks consistently announce jurors' names. This will facilitate the communication between the court and jurors, who have previously complained that the acoustics are poor in the large, oddly-shaped jury room, and that it is difficult for jurors to decipher their own names among those called.
- **Non-English speakers are now interviewed individually:** The assessment of jurors' comprehension and understanding of English is now being conducted on an individual basis, as opposed to the group assessment, which used to be common procedure. This measure was implemented in response to OCA's guidelines for the treatment and assessment of non-English speakers, and CJP applauds the change in process.
- **Jurors are no longer expected to report individually to voir dire or court rooms:** In the last trimester report, CJP recommended that jurors should be provided with clear instructions in regard to where they should report once they are chosen to participate in a voir dire or serve on a panel. In response, 360 Adams court officers now call jurors to the empanelling area, take attendance, instruct jurors about where to report and escort the jurors to that room.
- **The Kings County web site (www.nyjuror.com/kings.html) now provides updated messages for jurors:** Jurors can visit the Kings County website to check about their call-in status and also to access the

Kings County Commissioner of Jurors Web Site (www.nyjuror.com/kingshome.html) which provides useful juror and court information, including photos of the facility and employees.

These improvements will address many of the more critical concerns that jurors have reported at 360 Adams. For example, the “lack of information” concern comprised a clear majority of the total juror comments received this trimester. As the pre-service and audio communication with jurors improves, many “lack of information” concerns will be addressed.

Possibly more difficult to address, but equally important are the critical concerns related to the burden that service puts on jurors’ personal lives, particularly in regard to employment, child care and health concerns. Five of the ten top critical concerns raised by jurors at 360 Adams relate to personal concerns.

Top Juror Concerns—360 Adams Street	
7/1/02-11/30/02	
(Total Concerns = 211)	
Top Appreciative Concerns	Count
Lunch guide is good	1
Physical conditions are better	1
Things are generally better	1
Top 10 Critical Concerns	Count
Lack of information/incorrect information	52
Would like a postponement/deferral	17
Medical problem/old age	16
Elder/childcare	14
Very disruptive to my work	9
No coffee/sandwiches/juice	6
The P.A. system should extend out into the hallway	5
Uncomfortable seats	5
Concern with unhappiness by employer	4
Religious/personal objection	4

(B) Breakdown of juror concerns

In regard to the physical conditions at 360 Adams, jurors most frequently commented on the lack of coffee, sandwiches and juice, and the uncomfortable seats. CJP believes that both of these comments stem from jurors’ commonly expressed feeling of being “trapped” in the assembly room. Unlike the Manhattan courts, 360 Adams does not provide a sign-out sheet for jurors. This factor, combined with inadequate audio equipment (that will soon be replaced), causes jurors to complain about the inaccessibility of coffee, sandwiches, and juice and the uncomfortable seats. Jurors also mentioned the general disrepair of the courthouse and the lack of disability-accessible restrooms.

360 Adams: Physical Conditions	Count
No coffee/sandwiches/juice	6
Uncomfortable seats	5
General disrepair	3
Poor accommodations for the disabled	2

Congruent with the last trimester report, jurors seeking a postponement or deferral comprised the majority of summoning comments at 360 Adams. Also consistent with the last report, most of the Brooklyn jurors requesting postponement do so as a result of the burden service puts on their personal lives. Caretakers of children, the elderly, and individuals with disabilities or an illness were the majority of jurors seeking postponement/deferral.

360 Adams: Summoning	Count
Would like a postponement/deferral	17
Problems with name or address	3
Received multiple summonses	2
Not fair- some people never get called	1

Jurors' comments regarding "lack of information" centered on the lack of information providing during service. Often these comments relate to juror confusion about where to report while serving:

"I was supposed to be in Room 5 because we didn't finish our voir dire yesterday. Should I go back there today?" (11/4/02)

Other jurors' comments reflect a lack of information about court procedure and the role that jurors are expected to play in court:

"I was put on a case and am supposed to be here at 10. What is going to happen?" (9/9/02)

These comments suggest that technical improvements, such as improving audio equipment, coupled with procedural improvements, such as taking time to clearly explain where jurors are to report, will improve jurors' experiences and performances in court. However, these comments also suggest the need for more verbal information throughout service. As was recommended for the Manhattan courts, CJP recommends that Brooklyn court officers give jurors more comprehensive information about the process of serving during morning orientation and throughout each day.

360 Adams: Lack of Information	Count
Lack of information/incorrect information	52
Needed directions to the courthouse	2

Jurors at 360 Adams expressed great concern over the employment and financial burdens that jury service can cause or heighten. Jurors complained that jury service is very disruptive to their work, that they are concerned about the unhappiness of their employers and that self-employed people should be exempt from service. Some jurors’ comments reflected employers’ misconceptions or mishandling of juror payment during service:

“I just called my employer and they told me that they pay for the days that I am missing but they also take out the \$40 from my pay. I want to go and change the box I checked because I thought they did not pay at all.”

(11/5/02)

360 Adams: Employment/Financial Burden	Count
Very disruptive to my work	9
Concern with unhappiness by employer	4
Self-employed people should be exempt	3
Am losing major work assignments	3
Pay is not enough	3
Financial hardship	2

As was the case in the last trimester report, jurors’ comments regarding family and health concerns comprised a larger percentage of the total comments collected in Brooklyn than in any of the Manhattan courthouses. In regard to care taking, CJP believes that this finding may be a result of the larger average number of persons per household in Kings County compared to New York County (2.75 and 2.00, respectively), and a greater number of households that house children in Kings County compared to New York County (38.2% and 19.7%). Indeed, while a majority of residents live in non-family households in New York County (59.1%) a majority of Kings County residents live with families (66%).²⁸ These statistics suggest that measures that promote the inclusion of caretakers are needed and will promote representation in Kings County.

Concerns of the elderly were also very present in the data collected at 360 Adams. As the following juror’s comments suggest, often health and old age concerns intersect and may interfere with elderly jurors’ ability to serve:

“I am 70 years old and I have high blood pressure. It is difficult for me to serve because when I am seated for so many hours I start to feel sick. I get very dizzy. I need to go outside to walk.” (11/7/02)

360 Adams: Family/Health Burden	Count
Medical problem/old age	16
Elder/childcare	14
Elderly should not have to serve	1

²⁸ U.S. CENSUS 2000, (visited December 19, 2002)<<http://www.census.gov/main/www/cen2000.html>>

(C) Recommendations

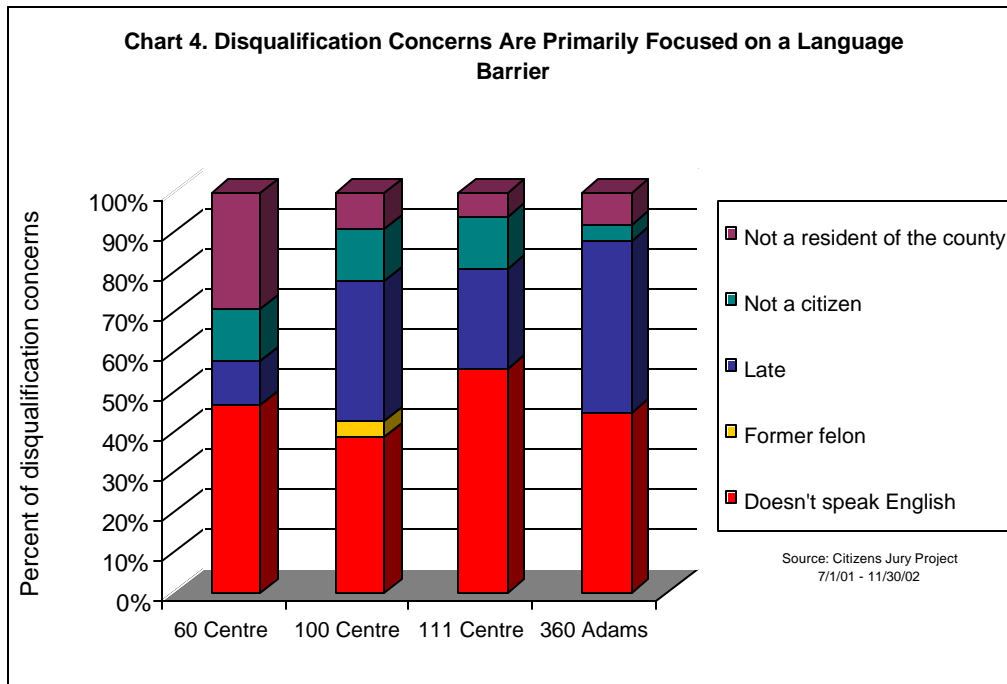
1. Physical Environment:
 - Clean and maintain bathrooms on a regular basis--at least two to three times daily.
 - Provide more disability-accessible restrooms in the courthouse.
 - Maintain an adequate number of cleaning staff throughout the building.
 - Test water in Kings County courthouses and install filtering systems, if necessary.
2. Summoning:
 - Provide both the county and Uniform Court System's website addresses on the summons.
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. Clearly inform jurors about any changes in service or room changes.
4. Technology:
 - Offer information on County website (www.nyjuror.com/kings.html) in Spanish and other predominant languages. Website translation services are free (e.g., <http://world.altavista.com/>) and software is very affordable. 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.
5. Administration:
 - Provide a sign-out sheet and allow jurors to sign out during their service, just as all three Manhattan courts do. For a variety of reasons, jurors must temporarily leave the assembly room, and should be trusted to return. A sign-out sheet will improve jurors experience in the courthouse, and lessen the administrative burden caused by missing jurors.
 - State clearly to jurors, in morning orientation, that postponements and deferrals can be made in room 156.
 - Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.
 - Provide child care information for jurors who are caretakers seeking a postponement or dismissal. Organizations such as C.A.S.A. have extensive lists and experience with day care facilities in each county, and can serve as an excellent resource to locate centers that are in close proximity to the courts. Although many care takers may opt out of serving instead of using child

care, easy access to information promotes inclusion rather than the dismissal of caretakers.

8. Disqualifications

(A) An Overview of Disqualified Jurors' Comments

Disqualified jurors continue to be markedly represented in the total number of comments received by the Citizens Jury Project: approximately 11%, or 102 of the total 928 comments. Individuals who are disqualified and seek information as a result of a language barrier comprise a clear majority of the disqualification comments, approximately 46% of the total.



60 Centre: Disqualifications		Count
Doesn't speak English		18
Not a resident of the county		11
Not a citizen		5
I'm late		4
100 Centre: Disqualifications		Count
Doesn't speak English		9
I'm late		8
Not a resident of the county		3
Not a citizen		2

111 Centre: Disqualifications	Count
Doesn't speak English	9
I'm late	4
Not a citizen	2
Not a resident of the county	1
360 Adams: Disqualifications	Count
Doesn't speak English	11
I'm late	11
Not a resident of the county	2
Not a citizen	1

Article XVI, § 510 of the New York State Consolidated Laws states that in order for jurors to serve, they must “understand and communicate” in English, but not necessarily read or write in English. This law can be seen as inclusive, and also, realistic. More than a quarter of the residents of New York speak a native language other than English. Of these individuals, the U.S. Census Bureau found that 13% report speaking English less than “very well”. Spanish is the most predominantly spoken language, and Spanish-speaking people comprise the majority of individuals who speak English less than “very well”. These factors combined with the 57.9% growth rate of the Hispanic population from 1990 to 2000 (while the total U.S. population increased only 13.2%)²⁹ suggest that language and diversity issues will not subside and are pivotal in the pursuit of good policy. Article XVI, § 510 is only a starting point toward inclusive jury panels: access to justice must entail multilingual communication between the court system, jurors, and other court users. Establishing multi-lingual resources now will be an innovative and prudent measure that will eliminate future individual and administrative burdens.

CJP interns encounter three types of jurors who have limited or very little ability to speak and understand English:

- Jurors who arrive in the courts alone, confused and uncertain how to proceed, with very little ability to communicate their questions and concerns in English.
- Jurors who arrive in the courts with a friend or relative, who serves as a translator and assists the juror in the court.
- Jurors who speak English as their second or third language and may have the competence, but not confidence to serve. The following account written by a CJP intern characterizes one such juror:

“A man approached and claimed that though he speaks English, he cannot understand it. He explained to me that he would not understand what would be going on in the courtroom. It’s hard to

²⁹ UNITED STATES CENSUS BUREAU, THE HISPANIC POPULATION, CENSUS 2000 BRIEF (2001).

know if he did not understand. He didn't seem to grasp my explanation that after the postponements he's had, he will probably have to serve, though I think it was a case of him not wanting to understand. I sent him on to 60 Center, room 139. He came back, smoldering, about 30 minutes later." (11/1/02)

This quote makes clear that all three types of jurors-even those who speak English well enough to serve- will benefit from multilingual outreach. A person such as the man described above may have been more confident and compliant to serve had he been able to read court information in his native language prior to service.

Research on the justice system and juries specifically, indicates that multi-lingual communication will not only promote inclusion, but also positive opinions about the judicial system. The last CJP trimester report discussed research on courts and communities and the National Center for State Court's finding that: "the more knowledge people have about the judicial system the greater their confidence in the judicial system overall as well as in a whole host of its components."³⁰ This study also found that the jury system received overwhelming support from respondents. 78% of the respondents indicated that the jury system is the fairest way to determine the guilt or innocence of a person accused of a crime, and 69% agreed that juries are the most important part of the system.³¹ The results of this and other studies³² indicate that New York's efforts to improve the jury system are warranted and that community outreach related to the jury system is one of the most direct ways to improve the communication between the courts and communities.

To CJP's knowledge, no state jury system provides outreach to jurors in languages other than English and in that sense this outreach would be both practical and innovative. However, the precedent for utilizing languages other than English on web sites, forms, and through hotlines has been set by many agencies and systems of government, both federally and statewide. Perhaps the most pertinent agencies are those through which the jury system gathers its source lists: voter registration, tax, drivers license, public assistance, and state unemployment compensation lists. All of these agencies communicate with the general public in languages other than English; individuals who may not be able to read write or speak English can fill out forms or utilize services that put their names on jury source lists.³³

³⁰ NATIONAL CENTER FOR STATE COURTS, HOW THE PUBLIC VIEWS STATE COURTS: A 1999 SURVEY 41 (1999), available at: <http://www.ncsc.dni.us/ptc/results/results.pdf>.

³¹ *Id.*

³² THE AMERICAN BAR ASSOCIATION, SYMPOSIUM: AMERICAN BAR ASSOCIATION REPORT ON THE PERCEPTIONS OF THE US JUSTICE SYSTEM, 62 ALB. L. REV. 1307 (1999).

³³ For a more detailed analysis, please read the Citizens Jury Project Winter 2002 Report, available at: <http://www.juryproject.org/reports.html>

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

The following recommendations stem from the premise that the inclusion inherent in Article XVI, § 510 must be present throughout the system:

- Include a line on the qualification questionnaire in each county's predominant languages, which instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines with recorded instructions for summoned non-English speakers about the jury process and how to seek postponement/dismissal prior to service.
- Distribute the Community Outreach Initiative³⁴ brochure to court and community centers throughout the state and provide Community Outreach Initiative information in languages other than English.
- Increase communication between the courts and the press that report and publish in languages other than English.
- Advertise court reform and improvements, particularly jury-related reform, in public forums. Public transportation is an efficient way to advertise across income, racial and ethnic groups; the New York Department of Health and the Department of Education both regularly advertise in both Spanish and English on buses and subways. Public service announcements on the radio or television can also be effective means of communication. CJP recommends multilingual advertising that reflects the theme of diversity, a requirement for an effective jury system and a reality in New York.

9. Summary of Recommendations

If you want to be free, there is but one way; it is to guarantee an equally full measure of liberty to all your neighbors.

Carl Schurz (1829 -1906)

The free mind is not a barking dog, to be tethered on a ten-foot chain.

Adlai E. Stevenson Jr. (1900 - 1965), speech at the University of Wisconsin, Madison, October 8, 1952³⁵

The two renowned statesmen and humanists quoted above present seemingly conflicting views of freedom, yet the construct of a jury envisions and requires both. Carl Schurz proposes that liberty is gained in relation to others, while Adlai Stevenson suggests that a free mind

³⁴ The Community Outreach Initiative was developed by the New York State Unified Court System in 2002. This initiative offers a variety of resources, ranging from information for the media to teaching tools and education programs for youth. The Community Outreach Initiatives online information and resources are available at: www.courts.state.ny.us/Community_Outreach/.

³⁵ Both quotes are available at: www.quotationspage.com

must work independently and not bound by others' constraints. A jury, a cross-section of the community, reaches decisions through the collaborative process of deliberation. Concurrently, jurors are individuals with unique learning styles: jurors' comprehension improves when they are not tethered to a chain, but allowed to be active learners. In this way, jurors not only safeguard liberty, but balance rights of the individual and community, the powerful and less powerful.³⁶

The following recommendations suggest that the court system and the Citizens Jury Project must broaden our analyses of and responses to the needs of New York jurors so that freedom can be found through fair process and jurors may do their important work well:

(A) Recommendations for the Courts

Implement the recommendations made and agreed upon from CJP's last trimester report. CJP is cognizant of the fact that many of the recommendations discussed in section 1B require collaborations with city and state officials and that timely response is not always feasible. However, CJP encourages courts to act upon these recommendations and is willing to assist in any way possible.

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.

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. 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, affect jurors' experience in the courts and ability and desire to serve. Timely response to the recommendations provided in this report and in other ongoing assessments will allow for clean and safe courts.

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

³⁶ This balance of power was Alexander Hamilton's concluding thought in the final Federalist Paper, No. 85: "The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a prodigy, to the completion of which I look forward with trembling anxiety. I can reconcile it to no rules of prudence to let go the hold we now have, in so arduous an enterprise, upon seven out of thirteen States, and having passed over so considerable a part of the ground, to recommence the course. I dread the more consequences of new attempts, because I know that powerful individuals, in this and other States, are enemies to a national government in every possible shape."

these individuals is systemic, yet it must also be addressed at a court and community-specific level. Court officials and individuals have a day-to-day and historical perspective on the populations and communities that visit each court, and how staff and their facilities can be accommodating.

(B) Administrative, Public Relations, and Research Recommendations

Summoning

- Provide more child care information for jurors prior to service by addressing child care/caretaker concerns on the New York Unified Court System's Juror Information website and county sites, and providing lists of childcare centers in close proximity to the courts. Organizations such as C.A.S.A. have extensive lists and experience with day care facilities in each county, and can serve as an excellent resource. Easy access to information promotes inclusion rather than the dismissal of caretakers.
- Include a line on the qualification questionnaire in each county's predominant languages, which instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines with recorded instructions for summoned non-English speakers about the jury process and how to seek postponement/dismissal prior to service.

Technology

- Make wireless access available to jurors in 60 Centre and any other courts that may pilot the initiative.
- Discontinue the computer terminal program that would equip courthouses with one computer terminal each, for public, online access. This endeavor would be costly for the system, both administratively and fiscally. One computer terminal would be minimally beneficial to court users and, at \$1.00 a minute, would only be affordable for populations who have their own computers and could bring them to a courthouse equipped with wireless access.

Public Outreach

- 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.
- Distribute the Community Outreach Initiative brochure and OCA's employment pamphlet to court and community centers throughout the state, particularly low-income, African American, and non-English speaking communities, the communities that report and are perceived to receive the poorest treatment in the courts.
- Collaborate with other state systems and the private sector to promote jury service and positive practices in relation to service. For example, making court publications such as OCA's employment pamphlet available to the Department of Labor and

large corporations could facilitate the distribution of the information to potential jurors—employers, employees and the unemployed—throughout the State.

- Increase communication between the courts and the press that report and publish in languages other than English.
- Create public service announcements that are multilingual and draw from the theme of diversity, a requirement for an effective jury system and a reality in New York.

Future Research

- Consider surveying judges on their current attitudes and practices prior to implementing the jury trial innovations project. An understanding of New York judges' beliefs and practices will provide a context by which to evaluate and discuss reform.
- Conduct research on the frequency of caretakers serving as jurors and the met and unmet needs of caretakers who serve or are dismissed. To make these assessments, CJP recommends that the question, "Are you a caretaker for children, elderly or adults in need of supervision?" be added to OCA's statewide exit survey. Additionally, to gain a better understanding of caretakers' needs, surveys could be administered when caretakers come to the courts seeking dismissal.
- Expand research and analysis to include the non-compliant and disqualified juror populations. Research has indicated that non-respondents generally want to serve but that personal responsibilities/hardship and misconceptions about service inhibit their response.³⁷ 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.

³⁷ ROBERT G. BOATRIGHT, IMPROVING CITIZENS RESPONSE TO JURY SUMMONSES, AMERICAN JUDICATURE SOCIETY (1998).

Appendix A: Top Juror Concerns in Manhattan & Brooklyn Courts

Top Juror Concerns–Manhattan & Brooklyn Courts 7/1/02-11/30/02 (Total Concerns =928)	
Top 5 Appreciative Concerns	Count
Things are generally better	25
Good clerks	16
Good that everyone serves	12
Lunch guide is good	9
Video is good	8
Top 25 Critical Concerns	Count
Lack of information/incorrect information	137
Would like a postponement/deferral	75
Wasted time	40
Medical problem/old age	38
Very disruptive to my work	36
Elder/child care	33
Problems with name or address	19
Self-employed should be exempt	18
Student feels entitled to an exemption	16
Air quality/temperature	14
No coffee/sandwiches/juice	14
Financial hardship	13
Religious/personal objection	13
Concern with unhappiness of employer	12
Needed information ahead of time	12
Am losing major work assignments	11
Bathrooms	11
Need phone lines for computers	9
Needed directions to the court house	9
Summoned w/in two years of prior service	7
My business will suffer	7
In non-compliance	6
Process does not start on time	6
Voir dire: intrusive personal questions	6
The P.A. system should extend out into the hallway	6