

**Citizens Jury Project
Fall/Winter 2003 Report on Juror Concerns:
August 1, 2003- November 30, 2003**

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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. CJP serves as an advocate for individual jurors in the courts and strives to make systemic reforms that improve conditions for all jurors.

The Citizens Jury Project responds to ideas and concerns of jurors, and assesses the conditions of New York courts through our ombudservice presence in the courts and ongoing data collection and analysis. The ombudservice booths, staffed by interns—currently one post-graduate law student recently admitted to the Bar, a Master of Public Policy student from New York University and three Masters students from John Jay College of Criminal Justice—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.

The last Citizens Jury Project trimester report focused on the issue of inclusion, or ways in which policies and procedures in the jury summoning and selection processes can promote access and participation. The following report will focus on a more specific and related issue, access to the court facilities and processes for jurors with disabilities.

People with disabilities have been discriminated against throughout history; only recently have their rights been recognized by society and through law. As a result of this discrimination, people with disabilities have been prohibited from participating fully in society. The broad range of activities and environments that they have been excluded from includes jury service, a civic responsibility that epitomizes our conception of social participation. As Chief Justice Taft once wrote: “The jury system postulates a conscious duty of participation in the machinery of justice...One of its greatest benefits is in the security it gives the people that they, as jurors actual or possible, being part of the judicial system of the country can prevent its arbitrary use or abuse.”¹

In the past two decades, society has begun to realize that excluding jurors with disabilities is arbitrary, unjust, and detrimental to the system. Hollow notions that a sensory or physical disability can impede a juror’s ability to serve have been replaced with the more apt understanding that senses lost are senses gained, as the brilliant and politically active Helen Keller stated:

¹ Balzac v. Porto Rico, 258, 310 U.S. 298 (1922) Quoted in: Powers v. Ohio, 499 U.S. 400, 406 (1991) In Powers, Justice Kennedy also noted: “Indeed, with the exception of voting, for most citizens the honor and privilege of jury duty is their most significant opportunity to participate in the democratic process.” *Id.* at 406.

Not the senses I have but what I do with them is my kingdom.

Is there anything worse than being blind? Yes, a man with sight and no vision. - Helen Keller (1880 - 1968)

This report will show that New York has been exemplary in its recent efforts to promote access to court facilities and processes for jurors with disabilities. However, CJP will also suggest that court access for people with disabilities is an issue that does not have an end but must continue to be examined and improved upon.

In the second part of this report, CJP presents and analyzes the 496 comments of jurors interviewed by CJP from August 1, 2003 to November 30, 2003. Jurors' concerns in relation to service suggest ways in which to continue to improve the court environment and processes so that they are accessible to all jurors. Jurors' comments also reveal their cognizance of and appreciation for the significant reforms that have been introduced into the system.

This report could not have been written without the generous assistance of Hon. Rosalyn H. Richter and Chief Jury Clerk Vincent Homenick, who met with Jane Eggers and provided her with a great deal of information on New York's work to promote access for jurors with disabilities. CJP would also like to thank intern Hibret Tilahun, who has contributed to the Project in many ways, including assisting with the court-specific accessibility assessments presented in this report. As we quickly approach our ninth year, CJP looks forward to continuing our collaborative work with the Office of Court Administration and courts throughout the state. Jury reform has improved the administration of justice in New York and jurors' perception of the justice system. By giving jurors an active voice in our courts, and listening and responding to their concerns, knowledge is reciprocated and the groundwork is established for future administrative reform.

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

(A) Introduction

New York's responsive approach to jurors and the jury system has fostered a system in which jurors appreciate serving and can focus on their pivotal role as factfinders. New York jurors consistently share appreciative comments with the Citizens Jury Project regarding helpful clerks, physical improvements to the courthouses, and shorter terms of service. These improvements create a solid foundation from which further reform can be built, reforms that are suggested in jurors' more critical comments. New York jurors continue to comment upon employment and caretaker burdens, wasted time in jury assembly or voir dire rooms, poorly maintained facilities, and a lack of information about service. Both positive and critical comments must continue to be heard and responded to, as legal reforms and courthouse improvements make jury service a valued process and foster trust and greater knowledge of the judicial system.

The first part of this report will delve into the issue of access to the courts and court processes for jurors with disabilities. The section will begin with a brief overview of the issue and then will examine Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12101 et seq.), which is particularly relevant to court facilities and processes. The report will then present an overview of New York's efforts to promote access for jurors with disabilities, followed by court-specific accessibility observations of the 60, 100, 111 Centre Street courthouses in Manhattan and the 360 Adams Street courthouse in Brooklyn. The section will conclude with general and court-specific recommendations.

The second part of this report will focus on the 496 jurors' comments collected from 60, 100, and 111 Centre Street and the 360 Adams Street courthouse, during the time period of April 1, 2003 to July 31, 2003. The report will provide a summary of jurors' appreciative comments and of their comments on the physical environments in all four courts. Following this general analysis, the report will examine jurors' court-specific positive and negative comments. At the conclusion of each court-specific section, recommendations will be provided, based on the comments received from jurors and the feedback from CJP 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. These recommendations propose ways in which Citizens Jury Project and the Office of Court Administration can promote utilization and foster knowledge of the system through inclusion and greater access to information, court facilities and court processes.

(B) Court Procedural and Facilities Accomplishments/Update on CJP Activities

Stemming from the collaborative efforts of members of the Judiciary, and court and city officials, the following environmental and instructional improvements

have been made or are in the process of being made in both New York and Kings County courts:

1. **Employer/Employee Guide:** The Office of Court Administration published a comprehensive guide on jury service for employers and employees in New York State. This practical and accessible guide is now available in courthouses and online at: www.nyjuror.gov/general-information/eehandbook.pdf. The guide is in the process of being distributed to corporations, libraries, and other public fora.
2. **360 Adams Street Environmental & Procedural Improvements:** In response to CJP's *Kings County Court Facilities Assessment*,² Kings County court officials and Office of Court Administration officials are in the process of implementing significant environmental and procedural improvements to the 360 Adams Street courthouse. These improvements are discussed in greater detail in section 7A of this report.
3. **Elevators:** The elevators at 120 Schermerhorn are currently being refurbished. The elevators at 100 Centre, 60 Centre, and 60 Lafayette Street, are also scheduled for refurbishment. All contracts have been awarded for work on the elevators at 100 Centre; the project will last for approximately two years.
4. **Computer and Wireless Access:** Jurors at 60 Centre Street can now take advantage of wireless access throughout the courthouse, and jurors at 111 Centre now have access to an onsite computer that provides Internet service and other features. OCA is offering these services in partnership with Courtroom Connect, a wireless Internet service provider that also offers courthouse services in California and Delaware.

While these improvements clearly suggest a positive, pro-active approach toward the facilities, there are other procedural and facilities-related aspects of service that have been previously discussed and are in need of attention:

1. **Lack of information during service:** Jurors at all four Kings and New York County courts continue to express concerns and confusion about service, from summoning to dismissal.
2. **Delays and wasted time during service:** Jurors' comments on delays and "wasted time" reflect the importance of the Commission on the Jury, which was created to examine the issue of juror utilization. In addition to the Commission's work, CJP recommends that each court examine ways in which to improve juror utilization, an issue that is systemic but also effected by the culture of and demands on each court.
3. **Drinking water:** CJP encourages court officials to continue to press the City to make the necessary plumbing improvements so that the water that flows to the water fountains in the New York and Kings County courthouses can be turned on again. Until the water tests safe and the water fountains are fully functional, jurors should have access to a water

² Available online at: <http://www.juryproject.org/reports.html>

cooler or, at least, water should be available for purchase through concession and vending services.

In collaboration with the Unified Court System, CJP continues to offer an ongoing presence in New York and Kings County courts and continues to contribute to a voir dire project directed by the Office of Court Administration. Since June of 2003, CJP interns have observed over forty voir dire in New York, Kings, Bronx, Queens, Nassau, and Westchester County. OCA has designed civil and criminal voir dire surveys that the interns fill out, while interns also provide written narratives of criminal voir dire. With this data, OCA will write and publish a report that provides observations on how civil and criminal voir dire are currently being administered, and recommendations for how these processes can be improved. CJP greatly appreciates the opportunity to observe and collect data on voir dire in New York.

2. ACCESS TO THE COURT SYSTEM AND COURT PROCESSES FOR JURORS WITH DISABILITIES

(A) Overview

The word “person” originated from a Latin term for a mask worn by actors in classical drama. The mask signified that actors were playing a role: “person” evolved to mean one who plays a role in life, an agent.³ People with disabilities have a history of being widely discriminated against, both nationally and internationally. Part of the basis of this discrimination was a belief or assumption that people with disabilities are not agents but handicapped in body and mind.

Modern conceptions of people with disabilities have evolved significantly; this change is reflected through language and law. The National Institute on Disability and Rehabilitation Research encapsulates this shift as a movement away from an old to new paradigm: “The “old” paradigm [or medical model] has presented disability as the result of a deficit in an individual that prevented the individual from performing certain functions or activities. This underlying assumption about disability affected many aspects of research, rehabilitation, and services. The new paradigm ... [recognizes] the conceptual aspect of disability—the dynamic interaction between individual and environment over the lifespan that constitutes disability...”⁴

The very use of the word “disability” instead of “handicap” represents a shift in paradigms, as does the use of “qualified individuals with disabilities” in the Americans with Disabilities Act of 1990 instead of “otherwise qualified individual” in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).⁵ Underlying these terms is a complex and difficult social reality that is boldly traversed by Nancy Mayer, a widely-anthologized essayist and a person with multiple sclerosis. In her essay, *On Being a Cripple*, Nancy Mayer writes about her semantical choice of the word “cripple,” rather than “disabled” or “handicapped”:

...to be fair to myself, a certain amount of honesty underlies my choice. “Cripple” seems to me to be a clean word, straightforward and precise. [...] As a lover of words, I like the accuracy with

³ Peter Singer, *Writings on an Ethical Life* (2000).

⁴ The National Institute on Disability and Rehabilitation Research, *The ‘New Paradigm’ of Disability*, <www.accessiblesociety.org/topics/demographics-identity/newparadigm.htm> (visited December 10, 2003).

⁵ In the development of state welfare in the western world, a similar distinction was drawn between the “unworthy” or “able-bodied” and the “worthy” poor, people who must depend on society for support. People with disabilities have been traditionally viewed as “worthy,” due to the potential work limitations they may have as a result of their disabilities. However, individuals with disabilities are now regarded as having rights that include full participation and equality. Equality implies that people with disabilities must receive equal treatment and access to resources, so that they have an equal opportunity to contribute to society; the many contributions that people with disabilities make are now better recognized as an integral aspect to an individual’s well being and societal strength. Walter I Trattner, *From Poor Law to Welfare State* (6th ed., 1999).

which it describes my condition: I have lost the full use of my limbs. “Disabled,” by contrast, suggests any incapacity, physical or mental. And I certainly don’t like “handicapped,” which implies that I have been deliberately put at a disadvantage...in order to equalize chances in the great race of life. These words seem to me to be moving away from my condition, to be widening the gap between word and reality. Most remote is the recently coined euphemism “differently abled,” which partakes in the same semantic hopefulness that transformed countries from “undeveloped” to “underdeveloped,” then to “less developed” and finally to “developing” nations. People have continued to starve in those countries during the shift. Some realities do not obey the dictates of language.⁶

Some disability advocates assert that behind these newly coined words is a reliance on the old paradigm, in which the cause of limitations on social roles or daily activities is based on characteristics, conditions, or impairments of individuals.⁷ Given that approximately one in five people in the United States has a disability, and that this proportion is likely to increase significantly in the next two decades,⁸ it is both prudent and forthright to define disability as a contextual variable that interfaces between individuals, society, and structured environments.

The Americans with Disabilities Act took a step toward a more contextual understanding of disability by recognizing the historical and contemporary prevalence of discrimination against people with disabilities. The statute’s intent “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”⁹ is a statement against private and public civil rights violations, with or without intent.¹⁰ This section of the report will briefly discuss Title II of the ADA, which is particularly relevant to court facilities and processes. The report will then discuss the history of inclusion of jurors with disabilities in New York, and how the presence of jurors with disabilities is beneficial to the court processes and facilities, which are becoming more accessible for everyone. The report will then review New

⁶ Nancy Mayer, Plain Text, 9-10 (5th ed., 1997)

⁷ *Id.*

⁸ The U.S. Census Bureau reports: “[W]ith the population aging and the likelihood of having a disability increasing with age, the growth in the number of people with disabilities can be expected to accelerate in the coming decades. If current trends continue, Americans 65 years old and over will make up 20 percent of the total population by the year 2030 compared with about 12 percent currently. In the October 1994-January 1995 period, for example, about 16 million of an estimated 31 million seniors age 65 and over reported some level of disability.” United States Census Bureau, *Disabilities Affect One-Fifth of All Americans: Proportion Could Increase in Coming Decades* (visited December 15, 2003) <<http://census.gov/prod/3/97pubs/cenbr975.pdf>>.

⁹ The Americans With Disabilities Act of 1990, § 12101(b)(1).2, 42 USC 12102 (1990).

¹⁰ As Professor James Leonard notes, “It is true that the majority of Title II rules refer only to the discriminatory results or effects without mentioning purposeful conduct, but the concept of discriminatory effects is broad enough to include those created by biased conduct.” JAMES LEONARD, SYMPOSIUM: THE AMERICANS WITH DISABILITIES ACT: A TEN-YEAR RETROSPECTIVE: THE SHADOWS OF UNCONSTITUTIONALITY: HOW FEDERALISM MAY AFFECT THE ANTIDISCRIMINATION MANDATE OF THE AMERICANS WITH DISABILITIES ACT, 52 ALA. L. REV., 91, 128 (Fall, 2000).

York's efforts to promote access for jurors with disabilities and issues that hinder the State's ability to offer environmental and procedural accessibility. The report will then provide a brief summary of courthouse accessibility at 60, 100, 111 Centre Street and the 360 Adams Street courthouse. Finally, the section will conclude with general and court-specific recommendations.

(B) The Americans with Disabilities Act

When the Americans with Disabilities Act was enacted in 1990, it was hailed as the most sweeping civil rights law since the 1964 Civil Rights Act.¹¹ The scope of both laws reflects the breadth of discrimination inflicted on people of color during the period of de jure segregation and people with disabilities prior to the ADA.¹² As Congress reported in its findings, section 12101 of the ADA:

- “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;”¹³
- “discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;”¹⁴
- further, individuals with disabilities “have often had no legal recourse to address such discrimination.”¹⁵

In defining disability, Congress recognized the historic and present effect discrimination has on people with disabilities. Under the ADA, a person with a disability is an individual who has “a physical or mental impairment that substantially limits one or more of the major life activities of such individual” or “a record of such an impairment.” The ADA also defines a person with a disability as someone who has been or is “regarded as having such an impairment.”¹⁶ Defining disability in terms of those who have or are “regarded” as having a disability recognizes the social dimension of disability. Rather than conceiving of disability individualistically and continuing to isolate and segregate individuals with disabilities, the ADA's primary goal is to promote equal participation of individuals with disabilities in the “mainstream” of American society. The major principles of mainstreaming are:

- 1) Individuals with disabilities must be integrated to the maximum extent appropriate.

¹¹ JOEL TEITELBAUM, SARA ROSENBAUM, MEDICAL CARE AS PUBLIC ACCOMODATION: MOVING THE DISCUSSION TO RACE, 29 AM. J.L. AND MED. 381 (2003).

¹² Reginald J. Alston, Charles J. Russo, Albert S. Miles, *Brown v. Board of Education and the Americans with Disabilities Act: Vistas of Equal Opportunities for African Americans*, 63, Journal of Negro Education, 349 (1994).

¹³ § 12101(a)2

¹⁴ § 12101(a)3

¹⁵ § 12101 (a)4

¹⁶ The Americans With Disabilities Act § 3, 42 USC 12102 (1990).

- 2) Separate programs are permitted where necessary to ensure equal opportunity.
- 3) Individuals with disabilities cannot be excluded from the regular program or required to accept special services or benefits.¹⁷

Title II of the ADA mandates that people with disabilities must be provided with equal opportunity to participate in or benefit from a public entity's services, aids, and benefits. Title II requirements fall under the four broad categories of "...general nondiscrimination requirements, equally effective communication, program accessibility, and employment."¹⁸ Courthouses are unquestionably a place of public accommodation; in regard to jurors, the concepts of "program accessibility" and "equally effective communication" are most applicable. The court system must provide services or aids that ensure effective communication, but not to the degree that such services result in undue burdens on the system or a fundamental alteration of the process.

Since the enactment of the ADA, the idea of excluding people with disabilities from jury service seems foreign and against our modern conception of juries and the system. Jury service epitomizes the concept of social participation, while the system itself is dependent on diverse representation.¹⁹ Discrimination during this process, which is administered by state court systems and conducted in a courthouse, seems to be easily linked to the Fourteenth Amendment's judicially defined concept of intentional discrimination against people with disabilities by state actors. Further, one of the distinctions between the ADA and the Rehabilitation Act of 1973 is that juries can decide ADA trials.²⁰ To exclude people with disabilities from juries that hear disability discrimination cases would be illogical and absurd.

(C) The Inclusion of Jurors with Disabilities in New York

Though the need for inclusion is now evident, people with disabilities were barred from jury service in New York State for over 150 years. In 1966, a blind college professor residing in Brooklyn was excluded from serving as a juror (*Matter of Lewinson v. Crews*²¹). Under the former judiciary law, which required that a juror be "in possession of his natural faculties"²² it was ruled that having "a profound sensory impairment" disqualified a person from serving as a juror. It was not until 1983 that the statute was changed to require that a juror must

¹⁷ U.S. Department of Justice, The Americans with Disabilities Act Title II Technical Assistance Manual (Visited December 16, 2003) < <http://www.usdoj.gov/crt/ada/taman2.html> >

¹⁸ Adaptive Environments Center Inc., National Institute on Disability Research, *ADA Title II Action Guide for State and Local Governments* (1993).

¹⁹ For a brief discussion and other references, see the Citizens Jury Project Summer 2003 Report on Juror Concerns, available at: <http://www.juryproject.org/sum03rep.pdf>

²⁰ "Under the 1991 amendments of the Civil Rights Act [42 U.S.C. 12117(a)], a party may demand a trial by jury if compensatory or punitive damages are sought. Compensatory or punitive damages are authorized for violations of the ADA. Therefore, ADA plaintiffs are entitled to a jury trial." THOMAS SIMMONS, THE ADA PRIMA FACIE PLAINTIFF: A CRITICAL OVERVIEW OF EIGHTH CIRCUIT CASE LAW 47 DRAKE L. REV. 761, NOTE 72 (1999).

²¹ 28 AD2d111, affd on opn below 21 NY 2d 898, appeal dismissed 393 U.S. 13.

²² Judiciary Law former §504 [3]; §596 [3] §662 [3] [repealed in 1977, ch 316 §1

not “have a mental or physical condition, or combination thereof, which causes the person to be incapable of performing in a reasonable manner the duties as a juror.”²³ Following this statutory change, *New York v. Guzman*,²⁴ a case similar to *Lewinson*, arose in New York County. In this case, which was brought to the New York Court of Appeals in 1990, it was affirmed that “a prospective juror’s deafness did not render him incapable of performing in a reasonable manner the duties of a juror.” The ruling also normalized the use of accommodations. The Court of Appeals found that the presence of a sign language interpreter during deliberations did not violate the secrecy of deliberation, as long as safeguards were implemented to promote uninhibited discourse and protect against outside influence.

As disability is a crosscutting issue, systemic inclusion of and accommodations for people with disabilities promotes the inclusion of the elderly and people who are socially and economically impoverished. According to Census 2000, approximately “14 million [people with disabilities] were 65 and over. Those with disabilities comprised 42 percent of people in this age group.”²⁵ And fourteen years after the enactment of the ADA, research and census data indicate that education level remains inversely correlated with disability, employment gains are minimal,²⁶ and poverty remains a “key factor both as a contributing cause and a result of a disability.”²⁷ Thus, New York’s jury system has become more inclusive of jurors with disabilities by eliminating the upper age limit as a qualification for jury service and by including welfare lists among the source lists from which jurors are drawn.

When a jury system is inclusive of people with disabilities, substantive benefits are gained through their presence in courthouses and on juries, but also through physical changes that are made or incorporated into the design of court facilities. The concept of universal design has changed the way we conceive of and utilize public space. Universal design involves “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.”²⁸ (For a list of principles of universal design, please see Appendix B.) Universal design and the use of assistive technology are ways to contextualize disability and address disability as not simply a medical or individualistic issue, but a variable that involves individuals, society, and structured environments. Since the advent of universal design, it has become increasingly clear that accessible environments benefit all people and influence how we relate to each other. Beyond structured environments, universal design is now employed as a model for educational

²³ 510 (3) (L 1983, ch 474, §1.

²⁴ 125 Misc. 2d 455

²⁵ *Supra*, note 12.

²⁶ *Supra*, note 13.

²⁷ The Center for an Accessible Society, Identity, Definitions, and Demographics of Disability (visited December 15, 2003) <<http://www.accessiblesociety.org/topics/demographics-identity/>>

²⁸ Betty Rose Connell, Mike Jones, Ron Mace, Jim Mueller, Abir Mullick, Elaine Ostroff, Jon Sanford, Ed Steinfeld, Molly Story, and Gregg Vanderheiden, North Carolina State University, The Center for Universal Design, *Version 2.0 - 4/1/97* (visited December 15, 2003) <www.design.ncsu.edu:8120/cud/univ_design/principles/udprinciples.htm>.

processes and procedures.²⁹ For example, people with hearing disabilities face their greatest difficulties “in unfamiliar or stressful situations, with unfamiliar technology or complex information, and in group settings with multiple talkers”;³⁰ well-articulated, plain English jury instructions promote the inclusion of people with hearing disabilities and comprehension among all jurors.

(D) New York's Efforts to Promote Access for Jurors with Disabilities

In the past decade, New York has implemented progressive measures to ensure that people with disabilities participate in the jury system. It is infeasible to list all of the systemic improvements, but the following list provides a range of significant reforms and efforts :

- In response to a complaint issued by Disabled In Action of Metropolitan New York in the mid-1990s, the Unified Court System improved the accessibility of courthouses in all five boroughs. 60 Centre, 100 Centre and 360 Adams Street courthouses were among the courthouses mentioned in the complaint that received facility modifications.
- A statewide ADA Committee was formed in the mid-1990s and has been active in promoting procedural and facilities accessibility in courts throughout New York.
- In the mid-1990s, statewide judicial and staff training began on the ADA and related disability issues. Judicial trainings are now being conducted at the newly established New York Judicial Institute.
- New York jury summonses now explicitly provide phone numbers for people with disabilities to call for information on and assistance with special accommodations.
- Assistive-listening devices are available in most New York courts. A sizable number of court reporters are real-time certified.
- Sign-language interpreters are available for jurors and litigants in a majority of the courts in New York.
- The Office of Court Administration has designated a network of senior management level employees to be liaisons under the Americans with Disabilities Act. ADA building liaison posters have been designed and are currently being posted in courts throughout New York.
- Public court materials, such as the Petit Juror Handbook, are available on audiotape, and in some cases, in Braille. On the new Unified Court System juror web site (<http://www.nyjuror.gov/home/>), jurors can listen to an audio version of the Petit Juror Handbook and can view the Petit or Grand Juror Orientation Video.

These improvements have been made despite considerable environmental, social, and economic issues that thwart New York's ability to offer facility and procedural accessibility. Future improvements are contingent (at least, in part) on the court system's ability to address these issues.

In regard to the physical environment, access is impeded in three ways:

- New York is home to a large number of historic courthouses, which present considerable difficulties for people with disabilities. For example, 60 Centre Street, a landmark of neo-Classic court architecture, is replete with accessibility barriers. Traditional courthouse features, such as the long flight of stairs leading up to the courthouse, the heavy doors, high

²⁹ See, for example, the web site Universal Design Education Online: <http://www.udeducation.org/>

³⁰ Jo Williams, *Communication Accessibility in the Courts*, 1 (National Center for State Courts, 2003).

ceilings, narrow passageways, and small empanelling rooms hinder access significantly.

- All of the courts in New York are owned by the locality. Although the Unified Court System manages the courts, the facilities in New York County, for example, are owned and maintained by the New York City Department of General Services. This split between management and ownership can delay the processing of work orders and impede the management of facilities/cleaning staff, who are employed by the locality.
- Parking is an issue in urban and rural environments, but perhaps particularly in New York County. Since September 11, 2001, all accessible parking was eliminated to improve the safety and security of the area. Although many New York County jurors use public transportation, there is only one subway stop in the vicinity (Brooklyn Bridge/City Hall) that is accessible.

Many procedural issues that could potentially impinge on the court system's ability to administer fair, accessible court processes are alleviated through the thorough training of judges, court officers, clerks, and other court staff. However, civil voir dire is an issue that must be considered, as it is unsupervised or minimally supervised in courthouses such as 60 Centre Street. Hon. Rosalyn Richter, the co-chair of New York's ADA Committee addressed this issue in her testimony to the Commission on the Jury on June 25, 2003:

...I believe that the reality is still that most lawyers and many judges do not want people with disabilities, particularly visual and hearing, sitting on their jury. [...] I ask, as the Commission is moving forward, I ask that you look at a couple of brief issues. One is the use of consent of challenges, which I still continue to get complaint letters about, especially in unsupervised civil voir dire, as a basis to excuse disabled jurors.³¹

This grave concern has arisen despite New York's research in support of judicial supervision and the State's efforts to ensure judicial or JHO presence during voir dire. In 1995, the *Report on the Civil Voir Dire Study*,³² examined data on civil voir dire that was collected from courts in diverse locations (urban, suburban, and rural) from January 30-May 19, 1995. The report, which was authored by Chief Judge Judith S. Kaye, and then Chief Administrative Judge E. Leo Milonas, concluded: "Judicial involvement in the selection of civil juries clearly affected both the efficiency and perceived fairness of voir dire, and some level of judicial supervision was supported by a majority of judges and attorneys"³³ As a result of the study, 22 NYCRR 202.33 was established.³⁴ The

³¹ The full transcript is available at: <http://www.jurycommission.com/25June03.pdf>

³² HON. JUDITH S. KAYE, HON. E. LEO MILONAS, REPORT ON THE CIVIL VOIR DIRE STUDY (1995).

³³ *Id.* at 167

³⁴ This law requires a judge's presence at the commencement of voir dire, and requires that lawyers and judges meet at least once before voir dire to discuss settlement (22 NYCRR § 202.33(b)). This law also

courts should not deviate from this law, but if an alternative method is found to be advantageous and necessary, then clear parameters should be set to ensure that jurors with disabilities are not being excluded.

Another aspect of court procedure that warrants attention is that few records are kept of the number and types of disability excusals and the amount of jurors with disabilities who serve on trials. The court system only documents excusals that are granted by non-judicial employees and the number of sign interpreters annually employed in each courthouse. This lack of record keeping is problematic because, as with any system, monitoring is necessary to assess whether the system is functioning as it is intended to. Inclusion is a key aspect of the jury system. Monitoring the inclusion and treatment of specific groups, such as jurors with disabilities, provides insight into individual and group concerns, while monitoring also gives more general insight into how well the system is functioning.

(E) Court-Specific Environmental Concerns

In addition to general systemic and environmental issues, each court facility must deal with unique structural and environmental constraints. To gain a better understanding of these issues, the Citizens Jury Project surveyed 60, 100, and 111 Centre and 360 Adams Street courthouse. The Project utilized *The Americans With Disabilities Act Checklist for Readily Available Barrier Removal*³⁵ as a guide to assessing each facility. The observations are encapsulated in the charts below, followed by recommendations. To speak generally about the courts, the efforts the court system and court employees have made to improve each facility are evident. As a result of these efforts, the courthouses, particularly 360 Adams, are generally accessible. However, each facility should address the following specific issues that, once remedied, will facilitate access for jurors with disabilities.

60 Centre Street Physical Environment Accessibility Summary	
Front of the Courthouse	The steep steps leading to the front entrance make it inaccessible for people with mobility disabilities. There are no ramps leading to the main entrance and the historic doors are extremely heavy.
Accessible Entrance	The Pearle Street entrance doors are extremely heavy, and the double doors are very narrow. One door is kept closed, which reduces the entrance to less than 3.5 feet. However, there is a court officer available at all times to assist people with disabilities. Once through the entrance, people with disabilities can take an elevator (located in close proximity to the entrance) that travels to the first floor. On the first floor, people with disabilities must then transfer to the public elevators. In addition to the Pearl Street entrance, there is a back entrance that has a drop-off and pick-up area that can also be used as a ramp. However, this ramp is very steep, and thus is

allows judges to impose time limits on questioning (22 NYCRR § 202.33(d); and requires jurors to complete background questionnaires prior to voir dire.

³⁵ This survey was developed by Adaptive Environments Center, Inc. and Barrier Free Environments Inc. These companies were authorized by the National Institute on Disability Research to develop this survey. The survey is available at: <http://www.usdoj.gov/crt/ada/racheck.pdf>

	not as accessible as the Pearl Street entrance.
Lobby/Security	The lobby is wide and accessible for people with mobility and visual disabilities. There are also many court officers in the lobby who can provide assistance.
Elevators	The elevators are scheduled for refurbishment in 2004.
Signage	The sign directing people with disabilities to the Pearle Street entrance is nondescript and easy to miss. The sign next to the Pearle Street entrance is placed parallel to the building, instead of perpendicular to the walkway, and can also be missed. Within the facility, ADA compliant signs are clearly posted in most areas of the courthouse. One area of the court that is lacking proper signage is the assembly room. Accessible signage directing people to the restrooms should be posted in the hallway leading to the assembly room and within the assembly room.
Water Fountains	There are no accessible water fountains in or around the assembly room, and the water flowing to the inaccessible water fountains has been shut off.
Hallways	The hallways are generally wide and accessible for people with disabilities. However, certain hallways, such as the hallway adjacent to the empanelling rooms and the hallway leading from the assembly room to the women’s restroom are narrow and problematic for people with disabilities. Improved signage can guide jurors to the most accessible hallways and routes.
Assembly Room	There is a wide double door (60” wide) leading into the assembly room, but one door is always kept closed. The resulting 30” door is problematic for a juror in a wheel chair. (The ADA requires that doors are at least 32” wide.) The aisles in the assembly room are fairly wide, but there is no designated area for wheelchairs and other mobility devices. Since the chairs are not bolted to the floor, spatial accommodations are easy to make and should be made before morning orientation.
Juror Lounge/ Work Stations	The juror work stations in the assemble room are accessible, with a height of about 35 inches and a width of 46-48 inches. However, the juror lounge/lunch room is cramped. The large table and excessive amount of chairs make it difficult for people with disabilities to utilize the room.
Bathrooms— Women & Men	Most bathrooms in the facility are accessible, except for those located on the second floor. Proper signage, particularly around the assembly room, will help people with disabilities avoid inaccessible routes and restrooms.
Empanelling Rooms	The hallway in front of the empanelling rooms is extremely narrow, and the rooms are small and filled with chairs.
Court Rooms	“The Courtroom of the Future” is a courtroom at 60 Centre that is quite accessible and technologically advanced. Although other courts in the facility do not provide such modern accommodations, people with disabilities can be accommodated in some of the other courtrooms.

100 Centre Street Physical Environment Accessibility Summary	
Courthouse Entrance	The ramp located on the south side entrance of 100 Centre makes the courthouse entrance accessible for jurors with disabilities. Additionally, the stairs leading into the main entrance have a rough surface, which makes them less slippery and more accessible for jurors using a cane or crutches. However, the doors of this entrance are extremely heavy and must be pulled to open. There are plenty of court officers working in the lobby, but the demands of their work, the size of the lobby, and the large amount of people consistently present can make it difficult for court officers to spot people with disabilities who are in need of assistance.
Lobby/Security	The long lines in and around the lobby/security area can be problematic for

	jurors with mobility or visual disabilities. Recently, new signs have been posted on both sides of the lobby that provide information on the building's ADA liaison.
Elevators	The elevators are currently in disrepair but are scheduled for refurbishment in 2004. The project will be completed in approximately two years.
Signage	With the installment of the new ADA liaison signs, the signage in the lobby has become quite accessible. In other areas of the courthouse, ADA compliant signs are also clearly posted.
Water Fountains	An accessible water fountain is available close to the assembly room, but it does not work because the water has been shut off.
Hallways	The hallways are wide and accessible for people with disabilities.
Assembly Room	The entrance to the main assembly room is wide, but one of the double doors is always kept closed. This reduces the entrance space to about 4 feet. The doorway leading to the jurors' lounge and jury clerk's office is about 4 feet wide. The door is heavy and is a pull-and-turn doorknob, a type of doorknob that is problematic for jurors with disabilities.
Juror Work Area/ Lounges	The desks and tables in these rooms are low and accessible. They are less than 36 inches in height and about 4 feet wide.
Bathrooms— Women & Men	Accessible bathrooms are located in the hallway adjacent to the juror assembly room. However, the bathrooms in the assembly room, which would unquestionably be easier for jurors with disabilities to use, are not accessible. Slight modifications to the assembly room bathrooms (such as widening the doors) could make the bathrooms accessible.
Empanelling Rooms	Jurors are generally empanelled in the courtrooms, which can accommodate people with disabilities.
Court Rooms	A fully accessible courtroom will be completed and available for use in 2004.

111 Centre Street Physical Environment Accessibility Summary	
Courthouse Entrance	A ramp is not needed at the court entrance because it is at ground level. The courthouse doors are wide, but heavy and difficult to open. The door must be pulled open and is slightly high for a person in a wheelchair. There is a court officer available to assist those who have difficulty entering the facility.
Lobby/Security	The lobby can get extremely crowded, which is problematic for jurors with visual or mobility disabilities. However, there are a number of court officers who can provide assistance.
Water Fountains	There are two new, accessible water fountains by the 3 rd floor and 11 th floor assembly rooms. Unfortunately, neither one of the fountains work since the water has been shut off.
Elevators	The elevators are accessible but frequently over-crowded, particularly in the morning. As mentioned above, overcrowding presents considerable difficulties for jurors with mobility and visual disabilities.
Signage	Within the facility, ADA compliant signs are clearly posted in most areas of the courthouse. However, there are no signs in the lobby that direct people with disabilities to accessible bathrooms.
Hallways	The hallways are wide and accessible for people with disabilities.
3 rd Floor Assembly Room	The door that leads into this assembly room should be kept open at all times, as it must be pulled open and is fairly heavy. The aisles between the chairs in this room are very narrow, which can be trying for people with mobility disabilities.

3 rd Floor Juror Work Area	The cubicles in the work area are accessible, slightly less than 36 inches high and about 48 inches wide. The room is relatively small and usually crowded; the cramped space can present difficulties for people with mobility disabilities.
11 th Floor Assembly Room	The door that leads into this assembly room has a pull and turn doorknob, but it is kept open all day. The aisles between the chairs are wider than they are in the 3 rd floor assembly room.
11 th Floor Juror Work Area	The study cubicle tabletops in this work area are less than 36 inches high and about 4 feet wide. The internet station is about 4 feet high, and appears to have been made for people who can stand and type on the keyboard. Such a design is inaccessible for a person in a wheelchair.
Bathrooms— Women & Men	New, accessible restrooms have been constructed for jurors on the 3rd and 11th floor.
Court Rooms	A fully accessible courtroom will be completed and available for use in 2004.

360 Adams Street Physical Environment Accessibility Summary	
Front of Courthouse	The courthouse has a number of accessible entrances, including the front (Court Street) entrance, which is equipped with a ramp that complies with ADA guidelines. The doors, however, are quite heavy. There are court officers who consistently staff the lobby and can provide assistance to people with disabilities.
Other Accessible Entrances	The Surrogate’s Court and County Clerk side entrances are the most accessible entrances in the facility. Both entrances are located on the ground floor of the building, in close proximity to parking lots. There are elevators adjacent to each entrance, which can be used to get up to the first floor jury assembly room and other accessible elevators.
Front Lobby/Security	The front lobby and security area is accessible, but often gets quite crowded in the morning.
Elevators	The elevators are accessible and in good working order.
Signage	Signage throughout the facility is ADA compliant.
Water Fountains	The water fountains are accessible and in good working order.
Hallways	The hallways are generally wide and accessible for people with disabilities.
Assembly Room & Juror Lounge	Once the new seating is installed in 2004, the assembly room/ juror lounge will be the most accessible among the older court facilities in New York and Kings County.
Bathrooms— Women & Men	Accessible bathrooms are available for jurors in the assembly room and throughout the facility.
Empanelling Rooms	The empanelling rooms are small, but JHO oversight and nearby court personnel help to ensure that proper accommodations are made for jurors with disabilities.
Court Rooms	There are courtrooms in the facility that can accommodate jurors with disabilities, though none meet the standard of being fully -ADA accessible.

Court-Specific Recommendations:**60 Centre**

- Modify the sign directing people with disabilities to the Pearle Street entrance. The sign does not use contrasting colors or black and white background and lettering, which makes it nondescript and easy to miss. Additionally, the sign next to the Pearle Street entrance should be placed perpendicular to the walkway, a position that would be far more visible than its current position parallel to the building.
- Implement 60 Centre Street's work request to knock down one of the walls between two of the empanelling rooms. This would create an empanelling room that can better accommodate jurors with disabilities and larger venires.
- Keep both doors leading into the assembly room open. When one door is locked, the doorway's width is less than the ADA required width of 32".
- Improve the signage for the women's bathrooms. The poor placement of signage in and around the assembly room is problematic for jurors with disabilities.
- Designate areas in the assembly room for people with disabilities who are in wheelchairs, utilizing other mobility devices, or are in need of other accommodations.
- Improve the arrangement of the court furniture in the juror lounge/lunch room, so that the room is more accessible for jurors with disabilities.

100 Centre

- Modify the door at the disability accessible entrance on the south side of the building. The door is extremely heavy and must be pulled to open. Installing an electric door device would alleviate the problem.
- Keep both doors leading into the assembly room open. When one door is locked, the doorway's width is less than the ADA required width of 32".
- Replace the door leading to the jury clerk's office, modify it, or prop the door open consistently. The door is quite heavy and has a turn-and-pull knob.
- Designate areas in the assembly room for people with disabilities who are in wheelchairs, utilizing other mobility devices, or are in need of other accommodations.
- Modify the bathrooms in the assembly room that, with slight alterations (such as widening doors), can become accessible.

111 Centre

- Modify one of the doors at both lobby entrances. The doors are heavy and must be pulled to open. Installing an electric door device would alleviate both problems.
- Post a sign in the main lobby directing people with disabilities to the closest, accessible restrooms.
- Designate areas in the assembly room for people with disabilities who are in wheelchairs, utilizing other mobility devices, or are in need of other accommodations.

- Keep the door that leads into this assembly room on the 3rd floor constantly open; it is heavy and must be pulled open.

360 Adams

- Modify a door at the Court Street entrance. The doors are heavy and must be pulled to open. Installing an electric door device would alleviate both problems.
- Designate areas in the assembly room for people with disabilities who are in wheelchairs, utilizing other mobility devices, or are in need of other accommodations.
- Refurbish a courtroom so that, like the courts in New York County, one courtroom is fully accessible for people with disabilities.
- Follow through with the environmental improvements the courthouse is planning to implement in 2004. These improvements, such as replacing the assembly room benches with new court furniture, will make the courthouse a more accessible environment for people with disabilities.

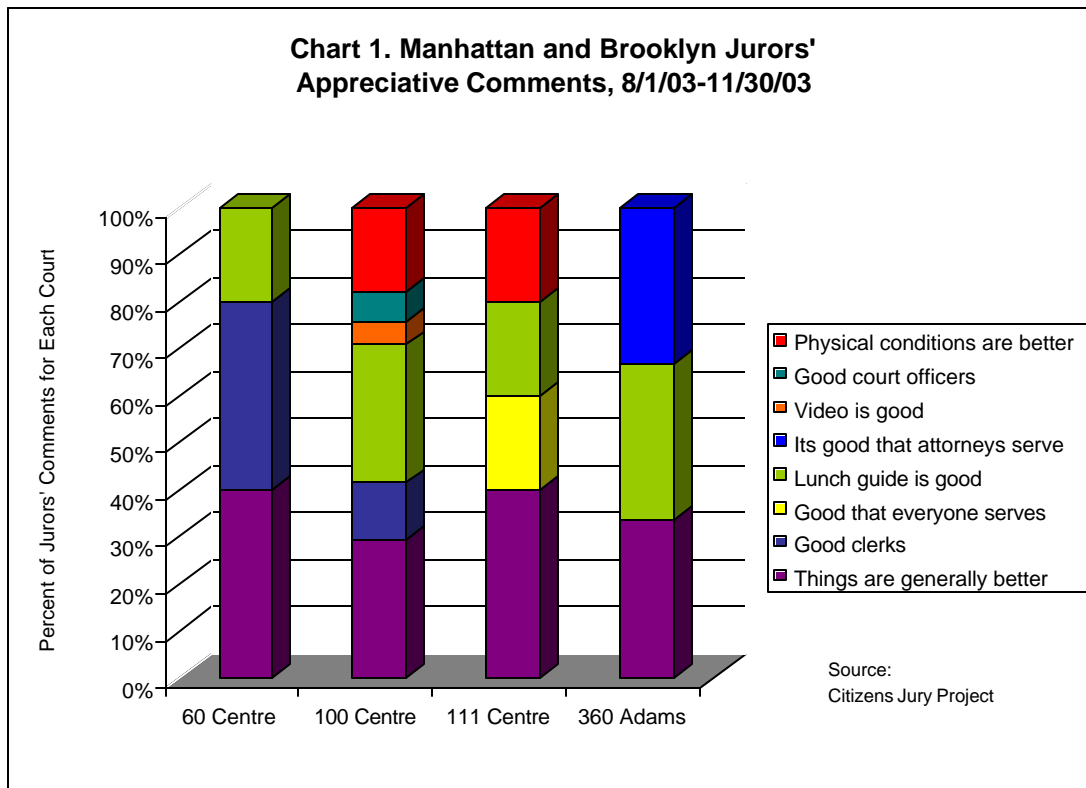
General Recommendations:

- Continue to study and improve civil and criminal jury instructions. Plain English jury instructions promote the inclusion of jurors with hearing and visual disabilities and improve comprehension among all jurors.
- Expand research and analysis on jurors with disabilities. Monitoring is necessary to assess how well the system is functioning and what areas of service need to be improved upon to promote greater inclusion of people with disabilities.
- Ensure that all aspects of 22 NYCRR § 202.33 are complied with, including the requirement that a judge sit in on the commencement of voir dire in all civil trials. If an alternative approach is currently being practiced, and is found to be advantageous and necessary, then clear parameters should be set to ensure that jurors with disabilities are not being excluded.
- Consistently provide information for jurors with disabilities during morning orientation.
- Note on the summons that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for New York County jurors with disabilities.
- Encourage the City to improve the plumbing in New York County courts, so that the water flowing to the water fountains can be turned on again. Both § 27-292.13 of the City of NY Building Code, and the ADA Accessibility Guidelines for Buildings and Facilities (Appendix A to 34 CFR Part 36 § 4.15), suggest the need for accessible water fountains. Most of the courthouses have accessible water fountains. The fact that the water has been turned off affects everyone, and thus is not specifically discriminatory against people with disabilities. However, the lack of accessible water can significantly affect people with and without disabilities. CJP recommends that the courts provide access to water (through concession and vending services) and that the City makes the necessary repairs.

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

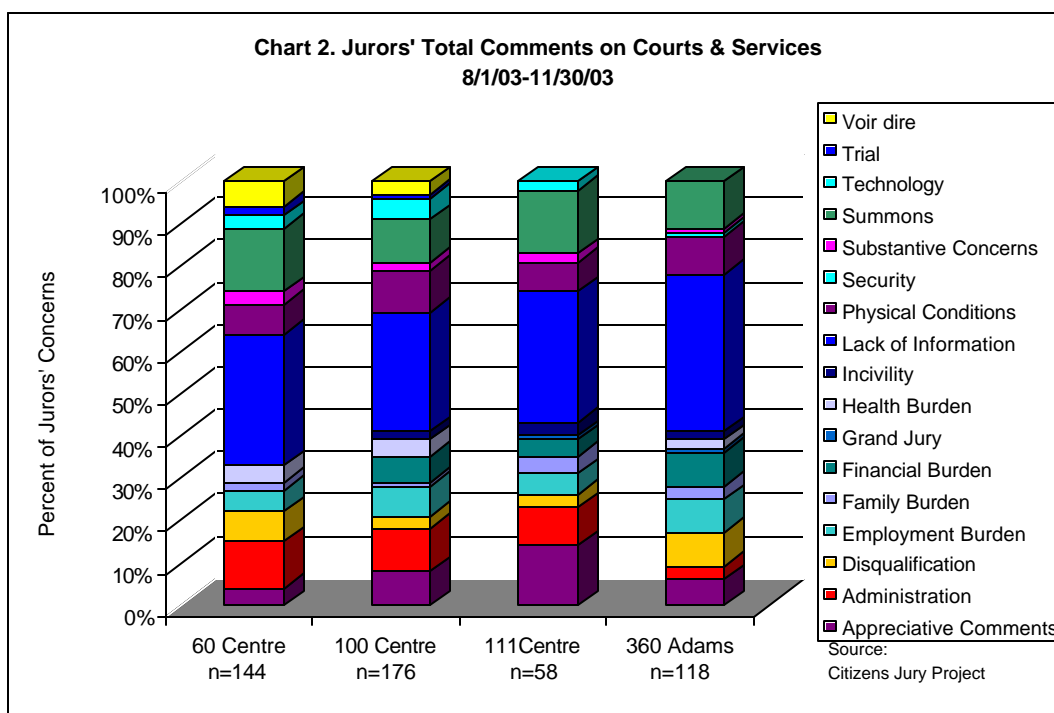
(A) Appreciative comments

New York and Kings County jurors recognize that “things are generally better” (Chart 1, purple). Jurors are appreciative of clerks’ (dark blue) and court officers’ (forest green) unflagging efforts to make jury service an efficient and enjoyable experience. Jurors also appreciate environmental improvements (red) and procedural improvements such as the abolishment of all professional exemptions in 1996, which leads jurors to comment that “it’s good that attorneys serve” (bright blue).



(B) All juror comments

“Lack of information” remains the most common concern voiced by New York and Kings County jurors (Chart 2 below, bright blue). Jurors also frequently comment on the physical conditions of the courthouse (plum) and the administration of the process, particularly “wasted time” (red). Jurors’ concern with administrative efficiency is often related to their demanding personal and professional lives. Jurors express trepidation about serving due to their employment (aqua), financial (forest green), family (periwinkle), and health concerns (lavender), which can hinder jurors’ willingness and ability to serve.



(C) Physical Environment

When I was 5 my mother proudly pushed my wheelchair to our local public school, where I was promptly refused admission because the principle ruled that I was a fire hazard [...] At my graduation from high school , the principle attempted to prevent me from accepting an award in a ceremony on stage simply because I was in a wheelchair. [...] At the age of 25, I was told to leave a plane on my return to my job in the U.S. Senate because I was flying without an attendant. In 1981, an attempt was made to forcibly remove me and another disabled friend from an auction house because we were “disgusting to look at.”

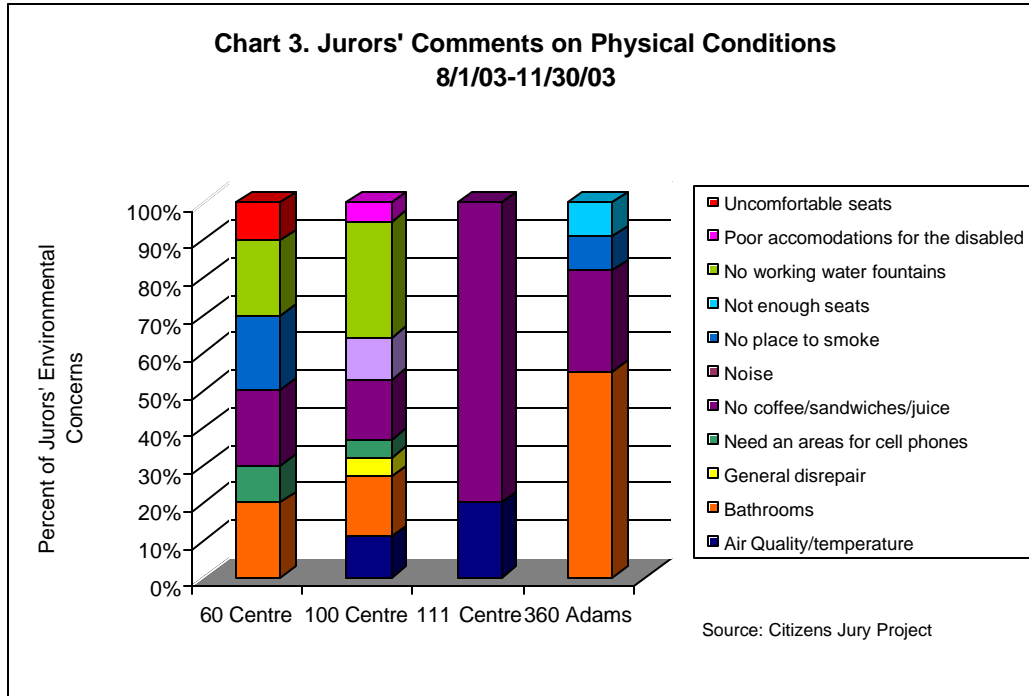
– Judith Heumann’s testimony presented to the House of Representatives, ADA Hearings³⁶

The structured environments that people create are reflective of attitudes and beliefs and can, like interpersonal relations, inhibit people’s ability to participate. Courthouse architecture must accommodate a variety of people, who come into the courthouse with diverse abilities, levels of experience, and personal objectives and attitudes. The work of creating accessible courthouse environments does not have an end; court staff and court officials must continue to be pro-active and responsive to the challenges of each court facility and the diversity of people who utilize New York courts.

Jurors’ responses to the physical conditions in Manhattan and Brooklyn courts illustrate common problems in court facilities, but also court-specific issues.

³⁶ H.R. Rep. No. 191-485 (II), at 29-39. Quoted in: JAMES LEONARD, *Supra*, Note 9 at 131-132.

The conditions of the bathrooms (orange), the lack of working water fountains (lime green), inaccessible coffee, sandwiches, and juice (purple) are common court concerns. Jurors at 360 Adams Street complain about the lack of seats (baby blue), while jurors at 100 Centre comment on the general disrepair of the facility and problems with its accessibility.



4. 60 CENTRE STREET

(A) Summary of juror concerns

The staff is very pleasant, especially considering that they must do this every day. (11/10/03)

I have to say now it is a lot better than it used to be. Last time I was here there were something like 200 people waiting in there. What chaos! (11/27/03)

Jurors at 60 Centre voice their appreciation for the generous, hardworking staff and the administrative reforms that make the system more efficient. The top critical concern, lack of information, suggests that communication between the court system and jurors can continue to be improved upon. Related to this concern, jurors complain that their time is wasted in the process of serving. Jurors themselves suggest that one way to improve their perception of wasted time is to provide jurors with more information before and during the process.

Jurors at 60 Centre expressed a markedly lower number of environmental concerns during this past trimester. However, jurors continue to complain about

the lack of accessible water in New York County courthouses, an issue that is particularly problematic for jurors with disabilities.

Top Juror Concerns—60 Centre Street 8/01/03 – 11/30/03 (Total Concerns = 144)	
Top Appreciative Comments	Count
Things are generally better	2
Good clerks	2
Lunch guide is good	1
Top 10 Critical Concerns	Count
Lack of information/incorrect information	40
Wasted time	11
Would like a postponement/dismissal	8
Medical problem/old age	4
Problems with name or address	4
Need phone lines for computers	3
Needed information ahead of time	3
Summoned within two years of service	3
My business will suffer	2
No working water fountains	2

(B) Breakdown of juror concerns

The majestic environment of the 60 Centre Street courthouse cloaks the sheer number of people that utilize and work in the courthouse on a daily basis. As the busiest civil courthouse in the nation, 60 Centre street staff must face the arduous task of maintain a facility that opened in 1927, a time when architects could not have foreseen the modern demands that the courthouse now faces. Areas such as the juror assembly room and the restrooms are particularly affected and must be cleaned and maintained consistently. Jurors frequently comment on the upkeep of these rooms and also what amenities are offered:

Bathrooms were dirty. One soap dispenser was empty for three days. The other's soap was so watery as to be useless. Are hooks on the stall doors too much to ask? We had to put our things on the filthy floor. (11/10/03)

Simple improvements, such as posting clear, accessible signage and providing hooks on doors, can improve jurors' impressions of the facilities and court processes. Staff attention can also help to maintain a clean environment:

People ignored the "no cell phone" and "no eating" rules, and no action was taken. It's a minor annoyance but in that crowded space it didn't help. (11/12/03)

Jurors also suggest that at times the assembly room is more overcrowded by court furniture than by jurors. Crowding can be particularly burdensome for jurors with physical disabilities.

The seats were fairly comfy and new, but they were packed together with little leg space. It was very uncomfortable sitting - like an airplane.

(11/10/03)

Jurors also complain about the lack working water fountains and accessible water. 60 Centre has the most accessible coffee stand of all the New York and Kings County courts, but the stand shuts down in the early afternoon, so jurors have no access to water after lunch.

60 Centre: Physical Conditions	Count
Bathrooms	2
No coffee/sandwiches/juice	2
No working water fountains	2
No place to smoke	1
Uncomfortable seats	1

The transient nature of people living in New York City poses problems for the jury system, particularly in the summoning process:

I just received a "Notice of Non-Compliance". When I received past jury summonses I was in school, out of state. And to my knowledge, I have not deferred 4 times as stated on the notice. I have now moved to Washington, D.C. I will be happy to serve on a jury, but cannot do so currently as I do not live in NYC. How do I respond to this summons? Appearing in NY to respond would involve me taking time off of work, and traveling up to NY, which involves multiple costs. Can I do jury duty in D.C. to make up for not being able to do it in NY? (10/20 /03)

I will be leaving the US to live in the UK in January 2004. I am concerned that if I get a jury summons while I am abroad that there may be a warrant issued if I fail to respond. How do I ensure that I will not be called for Jury Duty while I am out the country? (11/6/03)

The Unified Court Systems' new jury website is a great source of information for jurors but does not provide any information on how to proceed if a juror's address or name has changed:

My address has changed and I can find nowhere on the website to report it and no number to call where I can speak to a person. (10/10/03)

Given that people in New York and Kings County frequently change their names and addresses, CJP recommends providing some information for jurors who have moved within or outside of the county in the "Question and Answers" section of the site and on county-specific web sites. CJP also recommends

creating a feature on the Unified Court System’s web site that allows people to enter changes in their names and addresses and attach copies of relevant documents. Such a feature is not a giant technological step from the online services already offered on the web site and would save jurors time, while improving the administration of the system.

60 Centre: Summoning	Count
Would like a postponement/deferral	8
Problems with name or address	4
Summoned within 2 years of previous service	3
In non-compliance	2
Problem with payment	1

During this past trimester, “lack of information” was the most common critical concern voiced by jurors at 60 Centre Street during this trimester. Jurors with disabilities and non-English speaking jurors are the populations that are perhaps most in need of clear, accessible information:

I have a hearing problem, and some person in another building sent me here. Where should I go? (10/30/03)

"No English, what I do?" (11/21/03)

Creating and posting new signs that direct jurors with disabilities to the ADA coordinator in each courthouse is a positive step toward greater access to information for all jurors. CJP encourages the court system to also address disability access concerns during morning orientation.

A similar approach can be employed with multi-lingual jurors. As discussed in previous reports, CJP recommends providing multi-lingual information prior to service in New York County. CJP also recommends that the court system inform multi-lingual/non-English speakers about the option of reporting to room 139 for a language interview. Providing all jurors with adequate information at all phases of service promotes systemic efficiency, mutual respect, and inclusion.

60 Centre: Lack of Information	Count
Lack of information/incorrect information	40
Needed directions to the court house	3
Needed information ahead of time	1
No advance notice	1

“Wasted time” is a concern that is frequently voiced in New York and Kings County courts. The social and economic demands of urban environments, and the fast-paced lifestyles that many are accustomed to, can mean that jurors grow impatient and are brimming with suggestions:

Why can't they do this in a more civilized manner? For example, instead of having you sit here for hours and hours, they should have your name on a list and call you at home or wherever and tell you that you've to get here in an hour. (10/7/03)

My three days were a waste. I did nothing but sit—not even called for one panel. (11/12/03)

I think that if juries are as basic to the system as your lovely little video claims, better provisions should be made for their physical needs, and a way should really be found to call no more than are needed, or to release them more quickly if they are redundant. (11/12/03)

Good administration of justice entails providing jurors with information about the reasons behind delays and the unique difficulties that certain counties face. CJP commends New York County for provide a way for jurors to check their status online. This information, coupled with the new online initiative that will allow jurors to qualify or postpone service on the Unified Court System’s juror web pages, will improve jurors’ impressions and lessen the burden of service.

60 Centre: Administration	Count
Wasted time	10
Process does not start on time	2
Service should be more flexible/accommodating	2
Adopt one-day-one trial rule	1
Service is too long	1

60 Centre Street jurors comment on wasted time during voir dire and the trial process. Part of the problem is simply the high caseload, which impedes the court’s ability to predict when a case can start and the possibility of delays. However, jurors’ comments suggest a need for the court to continue to examine how best to decrease trial postponements and delays:

I was selected to be on a case last Friday. But, the whole process is so inefficient. I am required to call in every night to make sure if the case is going to start the following day or not. I did that all week and finally last night they told me that the case was going to start today and I had to be here at 10:00am. I came in at 10:00am and it is already 10:30am now and the case still has not been called. I think they should tell you when the case is going to start when you are selected to be on a case. They should require everyone to come at a set date and time, whether you are a lawyer or a judge. The way they have it now is such a waste of time. I can't make any other plans except wonder if my case is going to start the next day or not. (10/23/03)

Jurors also express dismay over the time that is wasted during voir dire, which is often unsupervised at 60 Centre. One juror expressed criticism of his fellow lawyers and their approach in unsupervised voir dire:

Service was fine, but a little frustrating. I got called to a few voir dires and they seemed to only pick the most passive and apathetic people. And when they found out I was a lawyer and the work I've done- forget it- I wasn't chosen. (11/11/03)

Unsupervised voir dire has the potential to not only exclude certain professionals or types of people, but also groups of people who have a history of being discriminated against, as was discussed in section two of this report. This issue must continue to be carefully scrutinized, and the guidelines set forth in 22 NYCRR 202.33 should be followed.

60 Centre: Voir Dire & Trial Concerns	Count
Should be pre-screening	2
Time wasted by attorneys during voir dire	2
Too many are called to/dismissed from voir dire	2
Religious/personal objection	2
Wrong way to handle civil voir dire	2
Jury disbanded, case settled after waiting	1
Refuse to choose attorneys/paralegals	1
Wasted time during the trial	1
Lack of information regarding delays	1

Although the state and national economies are showing signs of growth and improvement, employment and financial concerns continue to affect New York residents profoundly. These concerns can inhibit individuals' willingness and ability to serve. Jury service can be particularly burdensome for the more than a quarter of the nation's labor force, about 34 million workers, who are paid low wages on an hourly basis.³⁷ New York has taken progressive steps toward addressing employment concerns, such as raising juror pay to \$40 per day and publishing and distributing the Guide for Employers and Employees. CJP commends the State's initiatives and suggests that Unified Court System should continue to devise creative ways in which to promote the inclusion of people of all economic classes into the system.

60 Centre: Employment Burden	Count
Very disruptive to my work	2
My business will suffer	2
Am losing major work assignments	1
Student feels entitled to exemption	1

³⁷ Aaron Bernstein, *Commentary: Waking Up From The American Dream*, Business Week, December 1, 2003.

Work nights	1
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Jurors’ employment concerns can be minimized when improved technology facilitates the communication between jurors and the court system and when access to technological services allows jurors to work online while serving. Jurors praise the wireless Internet access now available at 60 Centre Street, and the Internet-accessible computers at 60 and 111 Centre Street. Jurors are less pleased with the telephone system, which some complain is busy most of the time:

Hi, I know that I have jury duty on Nov. 14th but I just moved apartments and can't find the form that was sent to me. So I have no idea what time or where to go... I've tried calling several numbers but can't get through to a person... Please help! (10/23/03)

60 Centre: Technology	Count
Need phone lines for computers	3
Informational phone lines are always busy	2
Should have a call-in system	1

As discussed in section 2c of this report, the elimination of the upper age limit for jurors promotes the inclusion of the elderly and people with disabilities, since a significant portion of the elderly have disabilities. However, since no other option but excusal is offered to caretakers, caretakers of the elderly and children are less likely to be included in New York’s jury system. Other states, such as the District of Columbia, Colorado, Connecticut, Massachusetts, and Minnesota, provide child care reimbursement or on-site child care centers. CJP encourages the New York court system to explore and implement policies that promote the inclusion of caretakers throughout the process of service.³⁸

60 Centre: Family/Health Burden	Count
Medical problem/old age	4
Elder/child care	2
Elderly should not have to serve	1

(C) Recommendations

1. Physical Environment:
 - Consistently staff the assembly room with one employee whose sole responsibility is cleaning the assembly room and bathrooms, and stocking the bathrooms regularly.
 - Improve signage for the women’s bathrooms. As noted in all of CJP’s 2002 and 2003 reports, CJP consistently receives comments on the need to post clear signs for the bathrooms.

³⁸ For a more thorough analysis of this issue, please review Section 8 of CJP’s Spring 2003 Report on Juror Concerns. The report is available at: <http://www.juryproject.org/Spring03report.pdf>.

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.

- Clean and maintain bathrooms on a regular basis--at least two to three times daily.
- Arrange the court furniture in the assembly room and juror lounge/lunch room so that both spaces are accessible for jurors with disabilities.
- Provide a water cooler for jurors or at least make certain that the vending machines and coffee stand are consistently stocked with water. Until the water is tested and the water fountains in the courthouse are repaired, jurors need to have access to bottled water.

2. Summoning:

- Modify the map and information on the summons to reflect the Canal Street subway station. This station services nine subway lines and is located within blocks of the courthouse. Also, note on the summons that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.
- Provide information about the wireless access services at 60 Centre in the summoning process.

3. Lack of Information:

- Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
- Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.

4. Administration

- Give jurors more comprehensive information about jury service during morning orientation and throughout process.
- Consistently provide information for jurors with disabilities during morning orientation.
- Start calling jurors to voir dire early, and start cases punctually.
- Ensure that all aspects of 22 NYCRR § 202.33 are complied with in the courts, including the requirement that a judge sit in on the commencement of voir dire in all civil trials, and provide the option of overseeing the entire process. If an alternative approach is currently being practiced, and is found to be advantageous and necessary, then clear parameters should be set on this alternative practice.

- 5. Technology/Communications:
 - Provide more phone lines for jurors to call in with questions and concerns. Jurors report that the phone lines are frequently busy, and that they are often forced to make an in-person visit to room 139.

5. 100 CENTRE STREET

(A) Summary of juror concerns

This is my first day but I was called four or five times overall. I do have to say that the situation now is a lot better than it used to be twenty years ago, when I first came here. It really looked like Port Authority, very smoky, absolutely uncomfortable. (10/27/03)

Jurors at 100 Centre appreciate the environmental improvements that have been made to the courthouse, while also recognizing the positive effect that systemic reform and good court officers and clerks have on the process.

“Lack of information” is the category that comprises the majority of jurors’ critical comments at 100 Centre. Jurors also seek information on how to get a postponement or deferral and comment on wasted time, juror privacy, and how service can have a negative effect on their finances and employment.

Top Juror Concerns—100 Centre Street	
9/1/03-11/30/03	
(Total Concerns =176)	
Top Appreciative Comments	Count
Things are generally better	5
Lunch guide is good	5
Physical conditions are better	4
Good clerks	2
Video good	1
Top 10 Critical Concerns	Count
Lack of information/incorrect information	40
Would like a postponement/deferral	9
No working water fountains	6
Wasted time	6
Financial hardship	5
Service should be more flexible/accommodating	5
Intrusive personal questions	4
Medical problem/old age	4
Needed directions to the courthouse	4
Very disruptive to my work	4

(B) Breakdown of juror concerns

Congruent with the data from the last trimester report, the lack of accessible water is again jurors' most common physical conditions concern at 100 Centre. Unlike other New York County courts, 100 Centre occasionally provides a water cooler in one of the juror lounges. CJP commends the court for providing water to jurors and encourages the court to continue to provide the cooler until the water fountains are fixed and functioning again.

Related to their concern about access to water, jurors also complain about the lack of a coffee and refreshment stand. To address this concern, CJP has repetitively tried to contact appropriate officials at the Commission for the Blind and Visually Handicapped, but with no avail. CJP will continue to try to facilitate the process so that a coffee and refreshment stand can soon become a permanent fixture for jurors on the 15th floor.

100 Centre: Physical Conditions	Count
No working water fountains	6
Bathrooms	3
No coffee/sandwiches/juice	3
Air quality/temperature	2
Noise	2
Poor accommodations for people with disabilities	1
General disrepair	1

In regard to summoning, jurors' most frequently commented on the need to obtain a postponement or deferral. Other jurors commented on disproportionate summoning, which often relates to a change in a juror's name or address:

I served in 2002 in Brooklyn [Kings] County, and was told I wouldn't have to serve again for 4 years. I moved to Manhattan this year. I have been summoned for jury duty for New York County. Do I have to serve again simply because I moved 100 blocks? (11/10/03)

My wife keeps getting called. The reason for this is that she has three different last names, her own, the one from her first husband, and mine. The system has probably not been updated on the last change. Whom should she call? (10/10/03)

As discussed in the 60 Centre Street section of this report, CJP recommends providing jurors with more information online on how to inform the court system about a change of name or address. CJP also recommends creating a feature on the Unified Court System's web site that allows people to enter changes in their names and addresses and attach copies of relevant documents.

Jurors at 100 Centre and other New York County courts also voice their concern about the time it takes to receive payments for their service and the lack of information on what to do when payment is delayed:

I never got my check last time I served. What can I do about that?

(11/21/03)

The Superior Court of the District of Columbia has transformed the payment process by purchasing and modifying an ATM machine. This machine is located in the courthouse, pays jurors once their service is complete, and also dispenses a receipt and proof-of-service statement.³⁹

100 Centre: Summoning	Count
Would like a postponement/deferral	9
Disproportionate summoning	3
Problems with name or address	2
Problem with payment	2
Summoned w/in 2 years of previous service	1

The issue of “lack of information” continues to be the top critical concern at 100 Centre Street. Lack of information can be particularly problematic for non-English speakers, the elderly, and people with disabilities. A man whose mother represents all three of these groups stated the following quote:

They sent this [summons] to my mother. But, she can't speak English and she is disabled. Is there any way I can get her excused without her having to come here? (10/30/03)

Non-English/multi-lingual speakers should be provided with multi-lingual information prior to service. Early assessment lessens the burden of service for individuals and improves the efficiency of the system.

100 Centre: Lack of Information	Count
Lack of Information/incorrect information	40
Needed directions to the courthouse	4
Needed information ahead of time	3

Jurors complain about wasted time at 100 Centre and suggest that service can be more flexible and accommodating. Caretakers often need to pick up children or the elderly at some time during their service, while others ask:

"I've got an appointment tomorrow that I can't skip, what can I do?"

(11/21/03)

³⁹ G.T. MUNSTERMAN, PAULA L. HANNAFORD-AGOR, THE PROMISE AND CHALLENGES OF JURY SYSTEM TECHNOLOGY (MARCH, 2003).

CJP encourages clerks to consistently inform jurors about the parameters of service and to update jurors in the assembly room on the calendar for each day.

100 Centre: Administration	Count
Wasted time	6
Service should be more flexible/accommodating	5
Service is too long	2
Not enough cases for jurors	1

Jurors at 100 Centre convey their fears about privacy and safety during the criminal voir dire and trial processes. In addition to administrative safeguards to protect juror privacy, CJP suggests that one of the best ways to ameliorate jurors' safety and privacy concerns is to routinely inform jurors about their rights and responsibilities. As CJP recommended in its Spring 2003 Report on Juror Concerns,⁴⁰ which focuses on the issue of juror privacy, the court system should create standards that guide the procedure by which judges address jurors privacy concerns. Privacy should be regularly discussed during voir dire, opening, and closing instructions.

100 Centre: Voir Dire & Trial Concerns	Count
Intrusive personal questions	4
Religious/personal objection	4
Lack of information regarding delays	1
Time wasted by attorneys during voir dire	1
Too many people are called/dismissed	1

Jurors' comments illustrate the effects of a difficult economy, in which many face financial hardship and feel that their time must be devoted to work or looking for work. With increased financial and economic concerns, jurors express a need to receive as much payment for their service as possible:

What I want to know is why the grand jury gives you juror pay plus carfare. Well, why should we pay our money to get here when the grand jury gives you carfare? (11/03/03)

It's really a joke how much they pay us considering how much time they want. (11/21/03)

100 Centre: Employment/Financial Burden	Count
Financial hardship	5
Very disruptive to my work	4
Self-employed people should be exempt	3
Pay is not enough	3

⁴⁰ This report is available at: <http://www.juryproject.org/reports.html>.

Student feels entitled to an exemption	2
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Technology can serve as a means to lessen employed jurors' concerns: Internet access allows jurors to work while they wait.

100 Centre: Technology	Count
Problems with video/TV/speakers	2
Improve technology	2
Need more phones	1
P.A. system should extend out into the hallways	1

In the category of Family/ Health Burden, elderly jurors and jurors with health problems expressed the majority of the concerns. Male and female caretakers also voiced concern and a need for more information about their options to postpone service:

My mother is very old and needs regular care. Can I speak to someone about getting out of this? (11/21/03)

Although information on service is now readily accessible for employers and employees, the same cannot be said for caretakers. CJP recommends providing caretaker information on the Unified Court System website and relevant court literature, such as the petit juror handbook.

100 Centre: Family/Health Burden	Count
Medical problem/old age	4
Elderly should not have to serve	3
Elder/child care	1
Work from home to be with children, elderly, disabled	1

(C) Recommendations

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

- Reconstruct the door to the women's bathroom in the jury room so that it is accessible for people with disabilities.
2. Summoning:
 - Modify the map and information on the summons to reflect the Canal Street subway station. This station services nine subway lines and is located within blocks of the courthouse. Also, note on the summons that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.
 3. Lack of Information:
 - Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.
 4. Administration
 - Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.
 - Consistently provide information for jurors with disabilities during morning orientation.
 - Start calling jurors to voir dres early, and start cases punctually.
 5. Technology:
 - Provide wireless access for jurors. Wireless access will allow jurors to work and communicate with their places of employment while serving. This will not only ease employment burdens created by service, but decrease the amount of jurors who feel service is a waste of time.

6. 111 CENTRE STREET

(A) Summary of juror concerns

It was an interesting experience. I went in thinking I probably wouldn't sit on a case and would just sit around wasting my time in the assembly room. Instead, I got put on a civil case—med mal. It was an interesting case to listen to and we [the jury] worked well together. I now know more about the gastrointestinal system than I ever thought I would and was surprised how rewarding it is to serve as a juror. (9/17/03)

The juror quoted above could not have had the experience she did without the many professionals—from the clerk who gave the initial orientation to the judge that resided on the case—whose efforts left her with lasting, positive impressions about the justice system. Recent environmental improvements,

including the remodeling of the bathrooms on the third and eleventh floor, have also made the system more accessible and gratifying for jurors.⁴¹

Jurors’ more critical comments suggest that there is still room for improvement of the process and court environment. “Lack of information/incorrect information” was the primary critical concern jurors commented on at 111 Centre. Some jurors also noted that service is detrimental to aspects of their lives outside of the courts, such as their employment and caretaking responsibilities.

Top Juror Concerns—111 Centre Street	
8/1/03-11/30/03	
Total Concerns = 63	
Top Appreciative Comments	Count
Things are generally better	2
Courthouse improvements look good	1
Good that everyone serves	1
Lunch guide looks good	1
Top 10 Critical Concerns	Count
Lack of information/Incorrect information	16
Service should be more flexible/accommodating	4
Would like a postponement/deferral	4
No coffee/sandwiches/juice	4
Wasted time	2
Needed information ahead of time	2
Elder/child care	2
Very disruptive to my work	2
Financial hardship	2
Improve technology	2

(B) Breakdown of juror concerns

During each trimester, jurors at 111 Centre consistently comment on the need for accessible coffee, sandwiches, and juice:

I saw there was like a snack bar downstairs. How come they don’t have anything on the upper levels?! (11/21/03)

Jurors with mobility and visual disabilities are particularly burdened by the fact that the only snack bar in the facility is located on the first floor. To simply get a cup of coffee, these jurors must travel downstairs in the often-crowded elevators, through the throngs of people who haunt the areas around the elevators and snack bar. CJP will continue to encourage the Commission for

⁴¹ Due to the courthouse construction, the total number of juror concerns received from 111 Centre Street during this past trimester is lower than previous trimesters.

the Blind and Visually Handicapped to offer food and beverages for jurors at 111 Centre.

111 Centre: Physical Conditions	Count
No coffee/sandwiches/juice	4
Air quality/temperature	1

“Lack of information” is the category that consistently comprises the majority of the critical comments voiced by jurors at 111 Centre Street. Occasionally, jurors’ “lack of information” concerns are related to the summons:

"The summons should have better directions, not just a map. You know, step-by-step like, 'turn right, walk three blocks....' things like that."
(9/22/03)

Although the detailed directions suggested above would take up an excessive amount of space on the summons, two simple improvements should be made to the map that would not change the summons significantly. First, CJP recommends that the Canal Street subway station—a station that services nine subway lines and is located within blocks of the courthouses—should be listed on the map. Second, the summons should note that Brooklyn Bridge/City Hall subway stop is the most accessible for jurors with disabilities.

111 Centre: Lack of Information/Summoning	Count
Lack of information/incorrect information	16
Would like a postponement/deferral	4
Needed information ahead of time	2
Disproportionate summoning	1
Problems with name or address	1

Jurors at 111 Centre continue to comment on “wasted time” and the need for service to be more flexible and accommodating:

This is crazy. This is insanity. This is for people that want to sleep. You don't move around here. (11/21/03)

Jurors who are transferred from one courthouse to another express particular frustration with the process:

We were summonsed to 111 Centre but then transferred to 100 Centre where we served two days. We were then told that we were excused from 100 Centre but that they would have to report back to 111 Centre to finish. I feel really shuffled around and taken advantage of. (10/15/03)

111 Centre: Administration/Technology	Count
Service should be more flexible/accommodating	4

Wasted time	2
Improve technology	2
Need phone lines for computers	1

Self-employed people are often vocal about the strain that service can put on their businesses. A lawyer representing a man who is self-employed emailed the following comments to CJP:

His experiences today at 111 Centre Street were so incredibly unacceptable that I felt I must inform of this incident. Mr. McAlexander appeared for jury service last Monday. He requested an excuse because he and I both felt that it would be an extreme financial hardship to serve on a jury. Mr. McAlexander is the sole income producer in this business, and he would have to close the store to serve. [...] Even a few days could bankrupt this company. When Mr. McAlexander told the clerks his story, they didn't look at his documents. They just told him to appear before a judge on September 26th. They failed to inform him that disciplinary action was being planned against him. When he arrived before the judge, he was accused of avoiding jury service since 1992. And he was told that he failed to respond to all previous summonses. This is blatantly untrue...(111 Centre, 10/1/03)

The comments suggest the need for clerks and court notices to clearly convey how the non-compliance process works and what legal recourse jurors in non-compliance have.

Caretakers are a population whose need to be excused from service can be unpredictable:

I have a sick child home from school, can I be excused? (11/21/03)

Other caretakers are quite cognizant of their need to be excused from service but are uncertain how to obtain an excusal:

This is in regards to excusals. I care for my two small children (4 and 2 years old). I know that I can be excused from jury duty when I provide the proper documentation. However, I have to appear in person. This is a tremendous burden since I have to travel with these two children on the subway (at least a 45 minute train ride) and then at least another 15-20 minute walk to the courthouse and office. Double that for the round trip; it is 2 1/2 hour expedition with a simple two-minute drop-off and explanation to the clerk. Is it possible to offer caregivers the option of sending in all the documentation by mail? 9/9/03

These comments reinforce the need to provide more online and printed information for caretakers prior to service.

111 Centre: Employment/Family/Financial Burden	Count
Financial hardship	2
Very disruptive to my work	2
Elder/child care	2
Pay is not enough	1
Self-employed people should be exempt	1
Student feels entitled to an exemption	1

(C) Recommendations

1. Physical Environment:

- Collaborate with the CJP and the Commission for the Blind and Visually Handicapped in our efforts to provide coffee stands for jurors that would be located outside of the jury assembly rooms.
- Provide a water cooler for jurors consistently, or at least make certain that the vending machines are stocked with bottled water. Until the water is tested and the water fountains in the courthouse are repaired, jurors need to have access to bottled water.
- Clean and maintain bathrooms outside of the jury room on a regular basis--at least two to three times daily.
- Maintain an adequate number of cleaning staff throughout the building.

2. Summoning:

- Modify the map and information on the summons to reflect the Canal Street subway station. This station services nine subway lines and is located within blocks of the courthouse. Also, note on the summons that the Brooklyn Bridge/City Hall 4,5,6 stop is the most accessible subway station for jurors with disabilities.

3. Lack of information:

- Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
- Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.

4. Administration

- Give jurors more comprehensive information about the process of serving during morning orientation and throughout the process of service.
- Consistently provide information for jurors with disabilities during morning orientation.
- State clearly to jurors, in morning orientation, that postponements and deferrals can be made in room 139 at 60 Centre Street.

- Start calling jurors to voir dices early, and start cases punctually.

5. Technology:

- Provide wireless access for jurors. Wireless access will allow jurors to work and communicate with their places of employment while serving. This will not only ease employment burdens created by service, but decrease the amount of jurors who feel service is a waste of time.

7. 360 ADAMS STREET

(A) Summary of juror concerns

In response to recommendations made in CJP's *Kings County Court Facilities Assessment*,⁴² Office of Court Administration officials and Kings County court officials and staff have made significant court facilities and procedural improvements. The following is a list of specific improvements that have been or are in the process of being implemented in the 360 Adams Street courthouse:

- The juror assembly room has been painted and the ventilation ducts have been cleaned.
- Malfunctioning equipment and amenities in the assembly room bathrooms have been repaired.
- A cleaning staff person is present in the jury assembly room until 3:00 PM each day; this person's sole responsibility is to clean the assembly room and restrooms. A clerk now monitors the cleaning and maintenance of the assembly room and restrooms on a daily basis.
- 360 Adams Street will now offer jurors the opportunity to sign out when they need to momentarily leave the assembly room area. The sign out sheet, a simple step that has been available in New York County for years, will diminish jurors' frequently expressed feeling of being "trapped" in the assembly room. Along with giving jurors greater freedom and satisfaction, the sign-out sheet will facilitate the process of calling jurors, as it will provide a more accurate list of who is not present.
- In the spring of 2004, new microphones will be installed for the assembly room.
- In the summer of 2004, the benches in the assembly room will be replaced with new court furniture. Additionally, a new floor will be put in at that time.
- Court officials are exploring the possibility of providing multi-lingual, telephonic information for jurors prior to service.

These environmental and procedural improvements are quite significant. Most of the improvements listed above are related to the court facility and reflect a cognizance of the effect that the environment can have on people's ability to

⁴² Available online at: <http://www.juryproject.org/reports.html>

participate. For example, by replacing the long wooden benches with individual chairs, the court is accommodating jurors with disabilities and/or injuries. Inclusion is also promoted procedurally, by providing multi-lingual information prior to service. Kings County is the county in which the controversial *Hernandez v. New York*⁴³ first arose, and the county continues to be home to a growing, sizable amount of multi-lingual individuals. The assessment of individuals’ language facility is likely to become more not less of an issue in the future. Improving the court system’s outreach to and language assessment of multi-lingual/non-English speakers will strengthen the system itself by promoting knowledge of and inclusion within the jury system.

Jurors’ critical comments at 360 Adams parallel many of the concerns raised in New York County Courts. Kings County jurors comment on the lack of information provided during service and the many ways in which service affects jurors’ lives outside of the courts. Six of the ten top critical concerns relate to jurors’ employment, financial, and familial concerns.

Top Juror Concerns—360 Adams Street	
9/1/03-11/30/03	
(Total Concerns = 118)	
Top Appreciative Comments	Count
Things are generally better	1
Good that attorneys serve	1
Lunch guide is good	1
Top 10 Critical Concerns	Count
Lack of information/incorrect information	42
Very disruptive to my work	6
Bathrooms	6
Problems with name or address	5
Only get paid for hours worked	5
No coffee/sandwiches/juice	3
Financial hardship	3
Wasted time	3
Elder/child care	2
Medical problem/old age	2

(B) Breakdown of juror concerns

Jurors’ critical comments on the bathrooms still comprise the majority of the physical conditions concerns raised at 360 Adams. These comments are likely to lessen now that cleaning staff people are consistently present and working in the assembly room and bathrooms. Jurors’ comments on the lack of

⁴³ 500 U.S. 352 (1991) For a critique of the Supreme Court’s ruling in *Dionisio Hernandez v. N.Y.* (500 U.S. 352) see, for example: MARINA HSEIH, “LANGUAGE-QUALIFYING” JURIES TO EXCLUDE BILINGUAL SPEAKERS, 66 BROOKLYN L. REV. 1181 (SUMMER, 2002). DEBORAH A. RAMIREZ, EXCLUDED VOICES: THE DISENFRANCHISEMENT OF ETHNIC GROUPS FROM JURY SERVICE, WIS. L. REV. 761 (MAY, 1993).

accessible coffee, sandwiches, and juice will also decrease now that jurors are able to sign-out and visit the coffee stand located down the hall from the jury assembly room.

360 Adams: Physical Conditions	Count
Bathrooms	6
No coffee/sandwiches/juice	3
Not enough seats	1
No place to smoke	1

A majority of jurors who commented on summoning reported problems related to a change in their name or address. As was discussed in the other court-specific sections, CJP recommends providing more information online and in print about what county residents can do to inform the system that their name or address has changed. In addition to this information, the Unified Court System could create a feature on their web site that allows jurors to change their name or address online. This feature would be relatively facile to create and would be time and cost effective for the system and individual jurors.

360 Adams: Summoning	Count
Problems with name or address	5
Would like a postponement/deferral	3
In non-compliance	1
Not fair—some people are never called	1
Unreadable summons	1
Would like to volunteer	1

Jurors commented most frequently on “lack of information.” These concerns centered on questions about the process of service:

I'm not a citizen, who do I speak to? (11/21/03)

If I don't get selected the first time I'm called, do I get to go home? (10/20/03)

The two questions above are examples of very basic issues that should be consistently addressed during morning orientation. Other jurors ask basic questions about the amount of time they must serve. Some simply ask:

Do you know how long this is going to take? (8/6/03)

Although it is infeasible to forecast the length of service for individual jurors, it is important for the clerks to clearly define the temporal parameters of service for all jurors. CJP encourages judges and court officials to communicate clearly with jurors during all aspects of service and to provide updates on delays.

Clear instructions and updates lessen jurors’ feeling that their time is being wasted and also promote systemic efficiency.

360 Adams: Lack of Information	Count
Lack of information/incorrect information	42
Needed information ahead of time	2

Jurors’ administrative concerns can often be related to the lack of information provided during service. Jurors commented on wasted time, that the process does not start on time, and that service should be more flexible and accommodating. These comments speak to the need for service to start as punctually as possible. Court staff’s efforts to be informative and polite to jurors can also quell jurors’ frustration and feeling that the process is a waste of their time.

360 Adams: Administration	Count
Wasted time	3
Service is too long	2
Service should be more flexible/accommodating	2
Process does not start on time	2

Jurors at 360 Adams voiced a considerable amount of employment and financial concerns. CJP occasionally hears from the youngest jurors, often college students, who express concern about their classroom responsibilities:

I am a college student and I have a problem. You know, I have a class today and a test I cannot miss. What should I do? I really can't stay here today, and I have asked for a postponement already. (11/5/03)

Unlike salaried workers, self-employed and hourly workers face the bind of losing hours of work and receiving nothing but the \$40 juror payment:

I have a financial concern. I am a nanny and I am paid by the hour. If I am chosen to be on a case, I will be losing a huge chunk of my income and the \$40/day the city gives will not cut it. Is there a financial exemption? (10/30/03)

Employment and financial concerns are aggravated by other responsibilities, such as child care and the expense of living in urban environments:

I work in the construction and I really can't stay here. I mean, I can stay here today but there's no way I can lose more workdays. I get paid only if I work, that's construction! Nobody cares about the fact that I have children and I cannot afford a baby-sitter to pick them up from school. I need to pay my rent, a thousand dollars a month, and I need to pay my bills. Nobody cares about that! (10/30/03)

Like New York County, jurors in Kings County would benefit from an ATM machine similar to the machine located in the Superior Court of the District of Columbia. This service could be particularly useful for low-income, unemployed or hourly workers, who have limited savings and need to be paid as quickly as possible.

360 Adams: Employment/Financial Burden	Count
Only get paid for hours worked	5
Very disruptive to my work	5
Financial hardship	3
Self-employed should be exempt	2
Student feels entitled to an exemption	2

Significantly more households in Kings County house children under the age of 18 compared to New York County (38.2% compared to 19.7%). The percentage of children living below the poverty line is high in both King's County (39.7%) and New York County (38.4%).⁴⁴ Given that more than one third of the households in Kings County house children, and that more than one third of the children living in Kings County are impoverished, it is logical to suggest that providing in-court child care services for jurors would improve the representation of caretakers and individuals with low incomes. Further, Kings County caretakers express a desire to serve, although they are constrained by their children's conflicting schedules:

I really would like to serve on a jury but I have to pick up my daughter from day care at 2:00pm. Is there any flexibility in terms of time? I actually want to serve but would they let me leave at two or is there a night court I can be on? (10/30/03)

If it is infeasible for New York to offer child care to jurors or child care compensation, CJP suggests that at least more online and printed information for caretakers should be provided prior to service. The current policy of simply excusing caretakers—individuals who play a vital role in New York communities—is inadequate and damaging to a system that is, in many ways, exemplary in its efforts to promote representative, impartial juries.

360 Adams: Family/Health Burden	Count
Elder/child care	3
Medical problem/old age	2
Need to pick up children	2

⁴⁴ U.S. Census Bureau, Census 2000, (visited December 16, 2003) <www.census.gov/main/www/cen2000.html>.

(C) Recommendations

1. Physical Environment:
 - Follow through with the environmental improvements the courthouse is planning to implement in 2004. These improvements, such as replacing the assembly room benches with new court furniture, will make the courthouse a more comfortable and accessible.

2. Lack of Information:
 - Give clear instructions to jurors about where they should report once they are chosen to participate in a voir dire or to serve on a panel. In the event of changes in service or room changes, offer coherent information to jurors about where and when to report.
 - Provide jurors waiting in the assembly room with updates on why delays have arisen and when jurors should expect the next venire to be called.

3. Technology:
 - Implement the service that will provide multi-lingual, telephonic information for jurors prior to service.
 - Offer information on County website (www.nyjuror.com/kings.html) in Spanish and other predominant languages. 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.

4. Administration:
 - Start calling jurors to voir dire early, and start cases punctually.
 - Give jurors more comprehensive information about the process of serving during morning orientation and throughout process of service.
 - Consistently provide information for jurors with disabilities during morning orientation.

8. DISQUALIFICATIONS

(A) An Overview of Disqualified Jurors' Comments

(1) Non-citizens

Non-English speakers consistently comprise the majority of disqualified juror comments, and this past trimester was no exception. However, due to an article that was published in the Daily News on September 25 (Appendix C) the Citizens Jury Project also heard from a number of non-citizens. Lawyer and reporter Allan Wernick emailed the Citizens Jury Project with a question:

How does an undocumented immigrant or permanent resident, not eligible to serve on a jury, notify the court that he or she is not eligible to serve? Someone wrote in and asked because he received a notice to appear. Can you provide some info on this?

CJP's response to this question (based on feedback from OCA) was published along with our contact information. As a result of this article (published in the Bronx/borough edition) CJP received approximately 30 phone calls from people in the surrounding boroughs asking questions related to their non-citizenship status:

I have gotten many forms from the courthouse, but I am a non-citizen and can't serve. Who should I contact? Do I have to go to the courthouse? Which courthouse? (Queens)

My friend is a non-citizen and can't speak English. I'm calling for him because he doesn't know what to do with the summonses he keeps getting from the court. Can you help? (Staten Island)

CJP does not typically hear from many non-citizens, due to the fact that most of our comments are collected from interns in booths outside of the assembly room. However, the large amount of comments that we received from one article suggests a need for the court system to publish information online and in print that details how non-citizens can safely inform the courts of their status.

(2) Non-English/Multi-lingual Speakers

My mother does not speak any English and she was called for this. She is not even a U.S. citizen. It is crazy that we have to come all the way down here. For what? Where do we go? (100 Centre 10/29/03)

The paucity of information available for non-English and multi-lingual speakers is evident in jurors' responses and the responses of friends and relatives, who

often serve as translators.⁴⁵ CJP commends King's County court officials for exploring the possibility of providing multi-lingual, telephonic information for jurors prior to service. This toll-free line would provide recorded information about the process of jury service, postponements/dismissals, and the required language interview. The effects of such a service will be positive for both individuals and the system. The service will provide individuals with information prior to service and allow non-English speaking /multi-lingual jurors to enter the courthouse knowingly, not intimidated, resentful, and confused. In turn, the service will facilitate the process of communicating with and assessing these individuals and will improve the accuracy on the count of those qualified to serve. CJP recommends that Kings County purchase the multi-lingual telephonic service and that other counties with large population of non-English speakers follow suit.

In addition to improving systemic outreach to non-English/multi-lingual speakers, the Unified Court System should continue to improve the language assessment process. At the state level, cases such as *People v. Pedro Sanchez*⁴⁶ illustrate the need to clearly communicate with non-English speaking/multi-lingual jurors and develop fair and consistent procedures in assessing jurors' facility with English. Further, cases such as the highly controversial Supreme Court ruling in *Hernandez v. New York*⁴⁷ indicate that there is a disconnect between the fields of law and linguistics. Critics of the *Hernandez* ruling, including linguists who were cited in it, suggest that the Supreme Court misinterpreted the research studies that were presented as evidence in favor of excluding Spanish-speaking jurors.

Perhaps part of the apprehension in qualifying multi-lingual jurors, and part of the difficulty in fairly assessing a language facility, is that serving as a juror is not a linguistically facile task. Indeed, native English speakers often struggle with juror instructions and legalese, particularly when plain English is not utilized. Linguist Bathany K. Dumas suggests that there are at least three kinds of legal terms that present problems for lay people:

⁴⁵ For a discussion of the lack of information available for non-English/multi-lingual jurors, please see CJP's Summer 2003 Report on Juror Concerns, section 2 D (3). The report is available at: www.juryproject.org/sum03rep.pdf

⁴⁶ *People v. Pedro Sanchez*, NY Lexis 278 (2003). For a discussion of this case and the implications that it suggest on the treatment and assessment of individuals who have a limited facility with English, see CJP's Spring 2003 Report on Juror Concerns: <http://www.juryproject.org/reports.html>

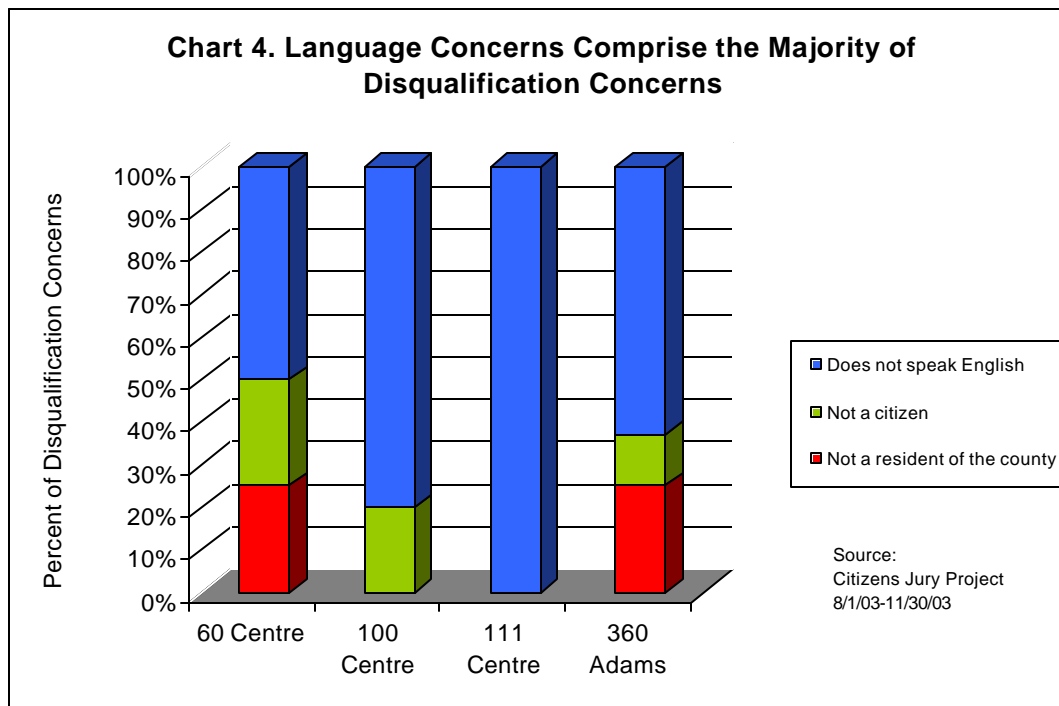
⁴⁷ 500 U.S. 352 It is noteworthy that at the state level, now Chief Judge Kaye dissented from the majority ruling in favor of the People: "This case differs from other "Batson" cases in a critical respect that is not sufficiently credited by the majority. Here, the prosecutor's "neutral" explanation is one that necessarily produces disparate impact on a single ethnic group. [...] Accepting as a sufficient explanation that the prosecution will offer the testimony of a witness whose native tongue is Spanish—whether or not an interpreter is required—too easily circumvents the People's obligation and the defendant's right, and allows the prosecutor to do by indirection what can no longer be done directly." (*People v. Dionisio Hernandez*, 75 N.Y. 2d 350, 361-362 (1990). For a critique of the Supreme Court's ruling in *Dionisio Hernandez v. N.Y.* (500 U.S. 352) see, for example: MARINA HSEIH, "LANGUAGE-QUALIFYING" JURIES TO EXCLUDE BILINGUAL SPEAKERS, 66 BROOKLYN L. REV. 1181 (SUMMER, 2002). DEBORAH A. RAMIREZ, EXCLUDED VOICES: THE DISENFRANCHISEMENT OF ETHNIC GROUPS FROM JURY SERVICE, WIS. L. REV. 761 (MAY, 1993).

Terms of art: For example, *diversity of citizenship* or *federal question*. A lay person may assume that he or she understands these terms, while judges and lawyers, familiar with their legal usage, understand these terms quite differently.

Terms with important legal significance but no generally accepted explicit definitions: Examples of this kind of term include *aggravation*, *mitigation*, *knowingly*, and *reasonable doubt*. In important criminal cases, especially capital cases, it is pivotal that jurors understand the meanings of such terms.

Undefined legal terms: Terms with non-explicit definitions, e.g. *knowingly* may appear in jury instructions. “Such terms, left undefined, occasionally give rise to judicial reversal...”⁴⁸

The court system is faced with the difficult task of assessing which jurors can adequately comprehend these complex legal terms and apply these terms appropriately to specific cases. To do this effectively, CJP recommends that the court system utilize the resources and knowledge that the fields of English as a Second Language (ESL) and Linguistics have developed in relation to assessment and communication with non-English speaking/multi-lingual people. ESL professionals, not simply court staff who have no prior education or experience in the field, should train court staff on how to properly conduct language-qualifying interviews.



⁴⁸ Professor Dumas suggests that terms can be better understood by clarifying the relationship between law and fact, accepting that some metaphysical concepts (e.g., reasonable doubt) probably cannot be explicitly explained, adopting a simple, uniform standards, avoiding unusual vocabulary items, delivering instructions earlier than after closing argument (so lawyers can address issues with definitions), and answering some jurors’ questions. BETHANY K. DUMAS RETHINKING JURY INSTRUCTIONS: FACT-FINDING V. LEGAL THEORY? 6TH INTERNATIONAL CONFERENCE, LANGUAGE AND LAW, SYDNEY (2003).

60 Centre: Disqualifications		Count
Doesn't speak English		4
Not a resident of the county		2
Not a citizen		2
100 Centre: Disqualifications		Count
Doesn't speak English		4
Not a citizen		1
111 Centre: Disqualifications		Count
Doesn't speak English		3
360 Adams: Disqualifications		Count
Doesn't speak English		5
Not a resident of the county		2
Not a citizen		1

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

The following list is a summary of recommendations provided throughout this report, which will directly address the dearth of information non-English speakers currently experience once summoned to serve:

- Utilize the resources and knowledge that the fields of English as a Second Language (ESL) and linguistics have developed in relation to assessment and communication with non-English speaking jurors. Linguistic professionals, not simply other court staff who have no prior education or experience in the field, should train court staff in how to properly conduct language qualifying interviews.
- Provide a line on the qualification questionnaire after the question, "can you understand and communicate in the English language," that states: "if not, you will be asked to participate in a language interview, once you are summoned to serve." This will alleviate some of the confusion expressed by non-English speaking jurors who believe that marking "no"

to the question “can you understand and communicate in the English language,” disqualifies them from service.

- Include a line on the qualification questionnaire in each county’s predominant languages, which instructs non-English speakers to call a hotline that will provide information and instructions in their native languages.
- Create toll-free information lines with recorded instructions for summoned multilingual/non-English speakers about the jury process and how to seek postponement/dismissal prior to service.
- Provide information for non-English speaking/multilingual jurors on the Unified Court System’s web site. Currently, no information is available for these jurors. This lack of information contrasts other states’ approach. California, for example, addresses the question, “What if I don’t speak English?” in their “California Guide to Jury Service: Frequently Asked Questions” (www.courtinfo.ca.gov/jury/faq/faq01.html). In recognition of their linguistic diversity (diversity that is mirrored in New York City and the boroughs) California recently developed a multilingual website: <http://www.courtinfo.ca.gov/selfhelp/glossary.htm>. Although this multilingual information is not available specifically for jurors, it is a significant step in their efforts to reach out to the general public. New York’s Unified Court System’s website and county websites’ juror information pages should be made available in Spanish and other predominant languages.
- 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, while 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. The cross-section of the community is diverse in New York; one of the best ways to reflect this in the courts is to reach out to the communities that define and encompass this diversity.

9. SUMMARY OF RECOMMENDATIONS

At our best, we create opportunities. – Maya Angelou⁴⁹

Jury service is a profound opportunity to participate in government. Extending this opportunity to all who are qualified to serve is an essential aspect of the work of New York's Unified Court System. This work helps to create fair, impartial juries and fosters lasting, positive impressions of our justice system.

(A) Summary of Recommendations for the Courts

Assess and continue to improve on access to the court facilities and court processes for jurors with disabilities. New York has taken significant steps in promoting access for jurors with disabilities, but court facilities and processes can and must continue to be improved upon. Access for jurors with disabilities promotes fair trials, juror comprehension, positive views of the justice system, and universal design. Accessible court environments and processes benefit us all.

- Ensure that all aspects of 22 NYCRR § 202.33 are complied with, including the requirement that a judge sit in on the commencement of voir dire in all civil trials. If an alternative approach is currently being practiced, and is found to be advantageous and necessary, then clear parameters should be set to ensure that jurors with disabilities are not being excluded.
- Consistently provide information for jurors with disabilities during morning orientation.
- Consider implementing the court-specific recommendations on pages 15 and 16 of this report.

Provide jurors with detailed information about where to report during all phases of service. In order to alleviate juror confusion during the voir dire process or while serving on a panel, CJP suggests that courts be more clear and explicit about where jurors should report while serving. Lessening juror confusion and stress can allow jurors to focus on the proceedings and will promote comprehension.

Provide more procedural information to jurors in the assembly room and throughout the process. Jurors should be informed about their rights and have a clear understanding of the process of serving. Additionally, providing jurors with regular updates on the day's schedule and explanations why there may be delays can diminish their feeling that service is a waste of time.

⁴⁹ Quoted in: THOMAS SIMMONS, THE ADA PRIMA FACIE PLAINTIFF: A CRITICAL OVERVIEW OF EIGHTH CIRCUIT CASE LAW, 47 DRAKE L. REV. 761 (1999).

Address juror privacy concerns. Information on juror privacy should be readily accessible for jurors. Judges should be trained to address juror privacy concerns, and should consistently address the issue of juror privacy, beginning with the judicial instructions prior to voir dire, and as the issue arises throughout proceedings.

- Ensure that a judge or J.H.O. (for civil trials) is present during voir dire.
- Address juror privacy in juror instructions and in the literature and materials provided to jurors.
- Continue to assess and address jurors' safety concerns.

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

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

(B) Summary of Administrative, Public Relations, and Research Recommendations

Summoning

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

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

Court Facilities

- Implement 60 Centre Street's work request to knock down one of the walls between two of the empanelling rooms that are adjacent to the assembly room at 60 Centre. This would create at least one empanelling room that is more accessible and can accommodate larger venire's.
- Encourage the City to make the necessary plumbing improvements so that the water that flows to the water fountains in the New York County courthouses can be turned on again. Until the water tests safe and the water fountains are fully functional, jurors should have access to a water cooler or, at least, water should be available for purchase through concession and vending services.

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.
- Provide information for non-citizens on the Unified Court System website
- Include information on the wireless access services on the Unified Court System's juror web site.
- Collaborate with other state systems and the private sector to promote jury service and positive practices in relation to service. Creating links between, for example, the New York City Department of Employment or New York Department of Labor and the Unified Court Systems' web pages on employer information and relevant laws, is facile to negotiate and create.
- 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 valued aspect of New York.

Court Research

- Expand research and analysis on jurors with disabilities. Monitoring the amount of jurors with disabilities serving and their experiences allows the system to assess how well it is functioning

- and what areas of service need to be improved upon to promote greater inclusion of people with disabilities.
- Continue to study and improve civil and criminal jury instructions. Plain English jury instructions promote the inclusion of jurors with hearing and visual disabilities and improve comprehension among all jurors.
 - Implement court research that assesses the non-compliant and disqualified juror populations. Research has indicated that non-respondents generally want to serve but that personal responsibilities/hardship and misconceptions about service inhibit their response.⁵⁰ A state-specific assessment of non-compliant and disqualified jurors can allow for a more in-depth analysis of many of the issues brought up in this report, such as the percentage of non-compliant and disqualified jurors who do not understand and comprehend English. This research will also help to further clarify where gaps in information exist, and how the system can best accommodate individuals with personal hardship and responsibilities that inhibit their ability to serve and contribute to the system.

Court System Administration

- Utilize the resources and knowledge that the field of English as a Second Language (ESL) has developed in relation to assessment and communication with non-English speaking jurors. ESL professionals, not simply other court staff who have no prior education or experience in the field, should train court staff in how to properly conduct language-qualifying interviews
- Reconsider the possibility of offering child care reimbursement to jurors.⁵¹ The high child poverty rate in New York and Kings County, coupled with the difficulty of obtaining public child care,⁵² suggests that child care reimbursement is a viable way to promote inclusion.

⁵⁰ ROBERT G. BOATRIGHT, IMPROVING CITIZENS RESPONSE TO JURY SUMMONSES, AMERICAN JUDICATURE SOCIETY (1998).

⁵¹ CJP's Spring 2003 Report on Juror Concerns discussed various states' approaches to child care reimbursement for jurors. The report is available at: <http://www.juryproject.org/reports.html>

⁵² Kate Stohr, Day Care in New York (visited July 8, 2003) <www.gothamgazette.com/iotw/daycare/>

Appendix A: Top Juror Concerns in Manhattan & Brooklyn Courts

Top Juror Comments & Concerns Manhattan & Brooklyn Courts 8/1/03-11/30/03 (Total Concerns =496)	
Top 5 Appreciative Comments	Count
Things are generally better	27
Lunch guide is good	17
Good clerks	10
Good that everyone serves	4
Good court officers	2
Top 25 Critical Concerns	Count
Lack of information/incorrect information	252
Would like a postponement/deferral	57
Wasted time	56
Religious/personal objection	23
Medical problem/old age	22
No coffee/sandwiches/juice	20
No working water fountains	19
Bathrooms	18
Very disruptive to my work	17
Financial hardship	17
Concerned with unhappiness of employer	13
Elder/child care	13
Intrusive personal questions during voir dire	12
Needed information ahead of time	11
Process does not start on time	10
Court officers are unhelpful	10
Need phone lines for computers	10
Improve technology	9
Time wasted by attorneys during voir dire	9
Needed directions to the courthouse	9
Too many people called	9
Elderly shouldn't have to serve	8
Never called to voir dire	7
Problems with name or address	7
Self-employed people should be exempt	7

*Appendix B: The Principles of Universal Design*⁵³**UNIVERSAL DESIGN:**

The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

The authors, a working group of architects, product designers, engineers and environmental design researchers, collaborated to establish the following Principles of Universal Design to guide a wide range of design disciplines including environments, products, and communications. These seven principles may be applied to evaluate existing designs, guide the design process and educate both designers and consumers about the characteristics of more usable products and environments.

The Principles of Universal Design are presented here, in the following format: name of the principle, intended to be a concise and easily remembered statement of the key concept embodied in the principle; definition of the principle, a brief description of the principle's primary directive for design; and guidelines, a list of the key elements that should be present in a design which adheres to the principle. (Note: all guidelines may not be relevant to all designs.)

PRINCIPLE ONE: Equitable Use

The design is useful and marketable to people with diverse abilities.

Guidelines:

- 1a.** Provide the same means of use for all users: identical whenever possible; equivalent when not.
- 1b.** Avoid segregating or stigmatizing any users.
- 1c.** Provisions for privacy, security, and safety should be equally available to all users.
- 1d.** Make the design appealing to all users.

PRINCIPLE TWO: Flexibility in Use

The design accommodates a wide range of individual preferences and abilities.

Guidelines:

- 2a.** Provide choice in methods of use.
- 2b.** Accommodate right- or left-handed access and use.
- 2c.** Facilitate the user's accuracy and precision.
- 2d.** Provide adaptability to the user's pace.

PRINCIPLE THREE: Simple and Intuitive Use

Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

Guidelines:

- 3a.** Eliminate unnecessary complexity.
- 3b.** Be consistent with user expectations and intuition.
- 3c.** Accommodate a wide range of literacy and language skills.
- 3d.** Arrange information consistent with its importance.
- 3e.** Provide effective prompting and feedback during and after task completion.

PRINCIPLE FOUR: Perceptible Information

The design communicates necessary information effectively to the user, regardless of

⁵³ *Supra*, note 28.

ambient conditions or the user's sensory abilities.

Guidelines:

- 4a. Use different modes (pictorial, verbal, tactile) for redundant presentation of essential information.
- 4b. Provide adequate contrast between essential information and its surroundings.
- 4c. Maximize "legibility" of essential information.
- 4d. Differentiate elements in ways that can be described (i.e., make it easy to give instructions or directions).
- 4e. Provide compatibility with a variety of techniques or devices used by people with sensory limitations.

PRINCIPLE FIVE: Tolerance for Error

The design minimizes hazards and the adverse consequences of accidental or unintended actions.

Guidelines:

- 5a. Arrange elements to minimize hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded.
- 5b. Provide warnings of hazards and errors.
- 5c. Provide fail safe features.
- 5d. Discourage unconscious action in tasks that require vigilance.

PRINCIPLE SIX: Low Physical Effort

The design can be used efficiently and comfortably and with a minimum of fatigue.

Guidelines:

- 6a. Allow user to maintain a neutral body position.
- 6b. Use reasonable operating forces.
- 6c. Minimize repetitive actions.
- 6d. Minimize sustained physical effort.

PRINCIPLE SEVEN: Size and Space for Approach and Use

Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

Guidelines:

- 7a. Provide a clear line of sight to important elements for any seated or standing user.
- 7b. Make reach to all components comfortable for any seated or standing user.
- 7c. Accommodate variations in hand and grip size.
- 7d. Provide adequate space for the use of assistive devices or personal assistance.

Please note that the Principles of Universal Design address only universally usable design, while the practice of design involves more than consideration for usability. Designers must also incorporate other considerations such as economic, engineering, cultural, gender, and environmental concerns in their design processes. These Principles offer designers guidance to better integrate features that meet the needs of as many users as possible.

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Major funding provided by: The National Institute on Disability and Rehabilitation Research, U.S. Department of Education

Appendix C: Daily News Article: Jury Duty Notice Proves To Be Trial, 9/25/03

How do I let the court know that I don't qualify for jury duty? I'm in the process of getting my permanent residence. I received a notice to appear for jury duty and wrote back explaining that I'm not a U.S. citizen. I know that noncitizens aren't eligible to serve.

Recently, I received a letter stating that I was in "noncompliance" with my jury duty obligations, and that I was being summoned to appear. What should I do?

Name Withheld, New York
 A. According to Jane Eggers, director of the Citizens Jury Project of the Fund for Modern Courts, if you have proof that your application for permanent residence is pending, such as a filing receipt, you should send a copy to the court clerk. The address is on your notice. Include a letter explaining that you are in the process of getting permanent residence. If you have a legal representative, instead of the receipt, you can submit a letter from the representative explaining that you are applying for residence.

You are correct that only U.S. citizens can serve on juries. So how did the court clerk get your name? The names come from many places, including lists of registered voters, state taxpayers, licensed drivers, recipients of public assistance benefits and recipients of state unemployment compensation.

Readers called for jury duty who are permanent residents should send a copy of their permanent resident card to the court clerk. Readers who are undocumented and don't have a case pending with the U.S. Citizenship and Immigration Service (formerly INS) should visit the clerk's office and explain the situation. The meeting with the clerk will be confidential. You needn't worry that the USCIS will learn that you are here.

For information regarding your jury duty, contact the Citizens Jury Project by E-mail at: juror@juryproject.org, or by phone at (212) 541-6741, ext. 110.

Shield of citizenship

Can a naturalized U.S. citizen get deported for committing a serious felony like murder or drug possession?

Lenny Webb, Queens
 A. No. The government can-

not deport a naturalized U.S. citizen for a criminal act committed after his or her swearing-in ceremony. In a rare case, a naturalized citizen is "denaturalized" when a criminal act leads to the discovery that the person wasn't eligible for citizenship.

For example, suppose Johnny had an old drug conviction that somehow slipped past the United States Citizenship and Immigration Service (USCIS). At his naturalization interview, when asked if he had ever been arrested, he answered, "No." Then, sometime after he was sworn in as a U.S. citizen, the police arrested him for drug dealing and his old conviction was discovered. The USCIS could try to denaturalize him for fraud in the naturalization process, but not for his post-swearing-in criminal activity.

Lying's not way to go

My father, who had a green card, petitioned for me in 1994. Then he moved back to Trinidad. Can I still adjust my status to permanent resident? After he filed for me, he moved back to Trinidad and gave

up his green card. I'd like to file my final papers for permanent residence. My U.S. citizen sister and brother have good jobs and are willing to sponsor me.

Helen, Ozone Park

A. Unless you and your father lie about your father's residence, you won't get permanent residence. Lying is not a good idea. If you get caught, you'll have a hard time ever getting a green card or U.S. citizenship.

The law requires that a family petitioner — in this case, your father — be qualified to petition until the time the beneficiary of the petition gets permanent residence. Have your brother and sister petition for you. You'll wait 10 to 12 years to get your green card, but at least you'll have done it honestly.

Allan Wernick is a lawyer and chairman of the City University of New York's Citizenship and Immigration Project. He is the author of "U.S. Immigration and Citizenship — Your Complete Guide, Revised 3rd Edition." Send questions and comments to Allan Wernick, Daily News, 450 W. 33rd St., New York, N.Y. 10001. Prof. Wernick's Web site is: www.allanwernick.com.

IMMIGRATION ADVICE

ALLAN WERNICK

