



PETIT JURY REFORM IN THE DISTRICT OF COLUMBIA  
ROUND TWO

# Juries for the Year 2000 and Beyond

FINAL REPORT TO THE COMMUNITY DECEMBER 2000

COUNCIL FOR COURT EXCELLENCE  
DISTRICT OF COLUMBIA JURY PROJECT

## PROGRESS IN THE JURY REFORM JOURNEY

### INTRODUCTION

Under the sponsorship of the Council for Court Excellence, the DC Jury Project's study committee labored over the course of 1997 to examine petit jury system issues ranging from summoning processes to juror comfort and pay. After a multitude of monthly meetings, the Project presented both the federal and local trial courts in the District of Columbia with 32 consensus recommendations in its February 1998 report *Juries for the Year 2000 and Beyond*. Under the guidance and support of co-chairs Judge Gregory Mize of DC Superior Court and Judge Thomas Hogan of the US District Court for DC, members of DC Jury Project recommended:

- broadening the scope of the jury pool;
- reducing the burdens of jury duty and improving courthouse accommodations;
- improving jury selection procedures;
- providing jurors with better decision-making tools; and
- reaching out to the civic community.

Since February 1998, each of these areas has seen positive change.

### BROADENING THE JURY POOL

Until very recently, both the US District Court for DC and the DC Superior Court relied on the DC Department of Motor Vehicles and the registered voters lists for the names and addresses of potential petit and grand jurors. Research by the DC Jury Project demonstrated that, because of outdated mailing addresses in these traditional juror source lists, our DC and federal trial courts were failing to reach approximately 40% of summoned individuals.

In 1999, both trial courts in DC took steps to allow for the usage of additional, and more accurate, juror source lists. By early 2000, DC Superior Court had obtained lists from the DC Department of

Finance and Revenue and the DC Department of Health and Human Services' public assistance lists. These additional lists provide more accurate addresses for persons already listed and supply the courts with names not previously on the master juror list. The lists are shared by both courts and are now being "combed" by National Change of Address for accuracy and merged into the current master list. This advance alone is saving the courts up to \$25,000 each year in postal fees for undeliverable summons; additionally, it has great potential for increasing the percentage of individuals who receive their summons in the mail.

### REDUCING THE BURDENS OF JURY SERVICE AND IMPROVING COURTHOUSE ACCOMMODATIONS

Many citizens consulted during the DC Jury Project cited inconvenience and discomfort as principal reasons for wanting to avoid jury service. Accordingly, the Jury Project recommended a variety of ways that our courts can remain mindful of juror needs throughout their term of service.

As of January 1999, the DC Superior Court increased its travel pay for jurors from \$2.00 per day (which was a source of juror dissatisfaction because it did not cover the cost of a public transportation round trip) to \$4.00 per day.

Both DC Superior Court and the US District Court for DC have improved communication with jurors, in recognition of the significant role jurors play in administering justice while taking time away from their everyday lives. The DC Superior Court Juror Office now provides jurors with a brochure on commonly asked questions and answers and a separate juror feedback survey to all jurors when they arrive in court for service. The Juror Office is working to improve juror understanding of service by revising the wording on juror summons. Jurors can now visit ►

## PROGRESS IN THE JURY REFORM JOURNEY

DC Superior Court online to find jury service information at [www.dcbbar.org/dcsc](http://www.dcbbar.org/dcsc), DC

Superior Court's website, hosted by the DC Bar.

The DC Superior Court has a new juror orientation video. Court administrators report that this new video has sparked positive feedback from jurors and has allowed the court to answer questions and to assist jurors with problems that may arise during the course of service. In improving communication with jurors, court administrators have also developed the practice of providing more regular status reports to jurors in the assembly rooms regarding anticipated need for jurors throughout the day.

The US District Court for DC has continued its long-standing attentiveness to jurors and the jury system. A one-page list of commonly asked questions and answers is sent to citizens in the mailed jury summons. The US District Court for DC also provides jurors with the Council for Court Excellence's informative brochure *Jury Duty Tips* when they check in for service. Also in an

effort to reduce the burden of their two-week term of petit jury duty service, the US District Court for DC has upgraded the court's telephone system to allow each juror to receive specific attendance instructions by entering their juror identification number.

Similarly, both courts have also taken steps to increase juror comfort. The US District Court for DC has installed new carpet in the juror lounge. In addition, that court has installed phone lines so that jurors with laptop computers can access the Internet. The US District Court has also installed a automatic hot beverage machine, a new soda vending machine, and has improved the quality of lunches provided to deliberating jurors.

DC Superior Court has renovated the restrooms on all of the floors jurors frequent. Cable television and additional reading materials are now being provided in the juror lounge. Along with renovations done to the courthouse cafeteria, the juror office also provides jurors with information on restaurants near the courthouse.

## COUNCIL FOR COURT EXCELLENCE DC JURY PROJECT HISTORY

# 1995

**MAY 1995** CCE Board adopts the recommendation of Board member and DC Superior Court Judge Gregory E. Mize to make improving the city's petit jury systems one of the key organizational priorities for the Council from 1995-2000.

**MAY 1995-APRIL 1996** Laying the groundwork — staff works with Judge Mize and other CCE board members to plan the project and secure long term funding.

**APRIL 1996** DC Jury Project Planning Committee, chaired by Judge Mize, spends the next six months identifying issues and developing a work plan for the study phase of the project.

**OCTOBER 1996** CCE convenes a focus group of former DC jurors. The group identifies issues for study and improvement.

**DECEMBER 1996** DC Jury Project committee appointed by CCE Board President Kenneth Starr. It is the first jury study/reform committee in the country to be initiated and funded by the private sector and the first include the state and federal trial courts.

**DEC 1996-DEC 1997** Led by US District Court for DC Judge Thomas Hogan and DC Superior Court Judge Gregory Mize, the committee spends the next twelve months researching, meeting, debating, learning, and coming to consensus on 32 recommendations to improve the jury systems.

**APRIL 1997** CCE convenes a Jury Administrator Focus Group, including juror officers from DC, Maryland and Virginia area trial courts.

**AUGUST 1997** Juror Focus Group with former DC jurors convened by CCE and held in a US District Court for DC courtroom. Judges and others observe from the jury box.

### IMPROVING JURY SELECTION PROCEDURES

Most members of the Council's DC Jury Project were dissatisfied with some aspect of the existing jury selection practices: jurors felt that they were often judged strictly by their appearance, regardless of actual bias and judges on the study committee were uncomfortable with this perception of unfairness held by the community and also with the length of time jury selection consumes. After considerable discussion and debate, the DC Jury Project recommended that the voir dire process be improved by providing attorneys more information about potential jurors, by expanding challenges for cause, and by eliminating or drastically reducing the number of peremptory strikes allowed.

In 1998, DC Superior Court Judge Gregory Mize conducted a nine-month pilot project in his courtroom to determine the usefulness of hearing from every potential juror during voir dire. Test results clearly showed both that the court and parties gain valuable information when each prospective juror is required to answer at least one question in open court, and that this procedure does not add appreciably to the time required to select a jury.

Jury selection procedures have received increased public consideration over the past two years. Panel discussions on the *Juries 2000* recommendation about reducing peremptory challenges of potential jurors were featured both at the 1998 DC Judicial Conference and more recently at the DC Bar's March 2000 Winter Convention. Several national conferences on jury issues have also featured the DC Jury Project's recommendation and research in this area.

### PROVIDING JURORS WITH DECISION-MAKING TOOLS

Major recommendations in *Juries for the Year 2000 and Beyond* involved providing petit jurors with "decision-making tools" once they enter the jury box after the voir dire process. Some of these tools include the right to take notes, the right to submit written questions to the judge for witnesses, notebooks with witness pictures and copies of key exhibits, hearing final jury instructions before counsels' closing arguments, written copies of the judge's instructions, and plain language jury instructions.

In 1998, judges in the DC Superior Court and the US District Court for DC participated in a CCE-initiated Jury Trial Practices Survey. Judges were surveyed again in 1999, a

**SUMMER 1997** CCE DC Jury Project undertakes a "no show" research study led by Howard University's Richard Seltzer, the first study of its kind in the United States to learn why citizens fail to participate when summoned.

**FEBRUARY 1998** *Juries for the Year 2000 and Beyond* is published by CCE and formally presented by jurors to Chief Judges of DC Superior Court and the US District Court for DC. Report receives positive local and national attention for its breadth and for having the integrity to address such difficult issues as jury selection practices and peremptory strikes.

**FEB-APRIL 1998** *Juries for the Year 2000 and Beyond* is distributed to Chief Judges in 50 all states, to all 94 US District Courts in the country, to local and national bar groups and legal organizations, and to DC area local civic groups, law firms and businesses.

**APRIL 1998** CCE establishes the *Juries 2000* Implementation Committee, chaired by former DC Councilman William Lightfoot, to advocate and monitor implementation of the Jury Project's 32 recommendations.

**JUNE 1998** DC Judicial Conference offers special educational program on the DC Jury Project, highlighting "recommendation 19" — the Jury Project's proposal to eliminate or drastically reduce peremptory challenges.

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## The United States Law Week

VOL. 66, NO. 33

NOTABLE NEWS DEVELOPMENTS IN THE LAW

### Courts and Procedure—Juries

#### D.C. Jury Reform Project Recommends Bigger Juror Role, Fewer Peremptories

Less than two weeks after the American Bar Association's House of Delegates endorsed a series of

Longer term goals include accommodations for physical and sensory disabled, nursing services at the courthouse, and work rooms to facilitate computer usage.

Recognizing the importance of the jury, there also are proposals recommending that jurors be permitted to use and maintain exhibit

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year and a half after publication of *Juries for Year 2000 and Beyond*. The results showed that judges have increased the use of these progressive practices and seem gradually to be taking steps to implement the newer jury methods into everyday courtroom use.

The Council for Court Excellence has worked cooperatively with the DC Bar and the Young Lawyers Section of the Bar Association of DC to inform members of the legal community about improving juror decision-making tools. The Council has co-sponsored the educational seminar *Innovative Jury Trial Practices: When and How to Use Them* with both groups. Nearly 300 practitioners and judges have attended these educational programs. The DC Bar is including the jury reform topic in their regular Continuing Legal Education programming.

#### REACHING OUT TO THE CIVIC COMMUNITY

The Council for Court Excellence has enhanced our traditional October celebration of Jury Service Appreciation Month as a result of the DC Jury Project. To enable jurors to provide direct face-to-face feedback to the trial courts, the Council has hosted a city-wide Juror Forum, *Jurors Speak, Judges Listen*, in both 1988 and 1999. With a panel including judges and court administrators from the DC Superior Court and the US

District Court for DC, prosecutors and defense attorneys, representatives from the US Marshal Service and the Metropolitan Police Department, and jurors, we have involved over two hundred citizens in our jury outreach and reform efforts.

A second outreach tool, previously mentioned, is the informative brochure *Jury Duty Tips*, now widely distributed through the courts and the public library system. It provides clear factual information about jury service in both the DC Superior Court and the US District Court for DC.

#### GAINING NATIONAL RECOGNITION

Bringing positive attention to the District of Columbia's federal and local courts was a goal of the Council for Court Excellence's DC Jury Project which has clearly been realized. These DC court systems are viewed as one of the guiding forces in the jury reform movement across the country. *Juries for the Year 2000 and Beyond* was distributed to the court systems of all 50 states and to all 94 federal District Courts. The Council for Court Excellence continues regularly to fill requests from bar groups, and state and local court jurisdictions that need advice in starting jury reform and jury appreciation efforts through their courts. Along with local media

**JULY 1998** CCE conducts judicial survey of trial practices of Federal and DC bench. Survey reveals that increasing numbers of judges in DC are using/trying "best practices" in administering jury trials in their courtrooms.

**SUMMER 1998** Judge Mize completes and publishes findings of his DC Superior Court pilot study on jury selection — allowing each prospective juror the opportunity to speak in court so that parties can make more informed jury selection decisions.

**SUMMER 1998** DC Superior Court and US District Court for DC institute quarterly meetings between jury administrators and clerks to examine jury related issues.

**OCTOBER 1998** In celebration of 1998 Jury Service Appreciation Month, CCE initiates a formal Resolution in Support of Jury Service, and urges broad scale support. The Resolution is signed by over 50 firms, businesses, and other groups, including the DC Council.

**OCTOBER 1998** CCE hosts a city-wide citizens Juror Forum at the New York Avenue Presbyterian Church. WAMU-FM's Kojo Nnamdi serves as moderator and over 100 citizens and judges attend to discuss how to improve the jury system.

A18 WEDNESDAY, MARCH 11, 1998

# The Washington Post

AN INDEPENDENT NEWSPAPER

## Reinventing Juries

**A** RECENT report on D.C. juries by the Council for Court Excellence provides an excellent starting point for discussion on how to make D.C. juries more effective.

supposed to receive their information not through any kind of interaction with lawyers and witnesses but by watching the presentation put on before them. Never mind that this

### SUPERIOR COURT WATCH

## How to Fill the Jury Box

BY SAM BOGALINK

A new study confirms the notion that D.C. residents respond to calls for jury service with the same apathy and skepticism as citizens of other cities. In response, some local judges and lawyers are proposing that the District adopt major jury reform to make the courts more accessible.



The District of Columbia Jury Project, sponsored by the Council for Court Excellence (CCE), is a court watchdog group.

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officials from the Federal Bureau of Prisons (FBI) say they have begun to narrow their search for sites to house their new prisoners—and none of these facilities may end up within a half-day's drive from the District.

President Bill Clinton's District revitalization plan mandated that all of D.C.'s 2,000 sentenced felons be transferred to the federal prison system by 2001.

The thousands of those prisoners are to be moved to a privately run facility by 1998.

coverage, DC Jury Project recommendations have received national media coverage as well. In the Winter 1999 edition of *Symposium: Jury Reform: Making Juries Work*, 32 University of Michigan Journal of Law Reform, Council for Court Excellence board member and member of the DC Jury Project Committee and former juror, Annie King Phillips, wrote an article entitled "Creating a Seamless Transition from Jury Box to Jury Room for More Effective Decision Making." The Council for Court Excellence, along with representatives from DC Superior Court and US District Court for DC, have participated in a variety of national and state level education programs on jury reform as examples of "trend setters" in jury reform.

#### CONCLUSION

The achievements described above are the result of the ongoing efforts of dedicated and diverse individuals and institutions who share common goals— that the integrity of the petit jury system remain strong, that all citizens appreciate the importance of jury duty and have the opportunity to serve, and that the federal and DC trial

judges and court systems remain mindful of jurors' needs.

The Council for Court Excellence acknowledges and congratulates the leadership of the US District Court for DC and the DC Superior Court for their commitment to improving our jury systems. While progress made thus far is significant there is still more work to be done in the area of jury reform.

During 2000, the Council for Court Excellence undertook a parallel study of the grand jury systems used in the local and federal courts in the District of Columbia and expects to publish a formal study report in that important area in early 2001. We are hopeful that other organizations that have common interests in the administration of justice will proceed with directing the necessary attention to jury reform issues and continue to educate the public on jury related topics in the District of Columbia.

We invite your comments and reflections on the jury process or on your own jury service experience, and your suggestions for new initiatives.

**NOVEMBER 1998** CCE presents an educational program for lawyers and judges, *Innovative Jury Practices: When & How to Use Them*, at the Federal Judicial Center. Over 100 judges and lawyers attend. The program was later repeated with the Bar Association of DC Young Lawyers Section.

**JANUARY 1999** US District Court for DC makes a number of jury improvements, including an updated phone system and new carpet in jury lounge. DC Superior Court increases travel pay for jurors from \$2 per day to \$4 per day.

**JANUARY 1999** DC Superior Court and US District Court for DC both amend their jury plans to allow for expanded juror source lists to include income tax rolls, public assistance recipients, new citizens, with the goal of sharing the burdens and benefits of jury duty fairly across the community.

**APRIL 1999** CCE publishes *Juries for the Year 2000 and Beyond 1998-1999 Progress Report* recording achievements made during the first year of implementation.

**AUGUST 1999** CCE conducts second judicial survey of trial practices of Federal and DC bench.

**OCTOBER 1999** CCE publishes informative brochure for the community, *Jury Duty: Tips for Citizens*. The brochure provides plain-English information on jury service in DC and answers commonly asked questions.

**OCTOBER 1999** CCE puts on second city-wide juror forum at the New York Avenue Presbyterian Church. Over 100 judges and citizens attend to discuss improvements to DC's jury systems.

**MARCH 2000** DC courts commence use of greatly expanded juror source list, with goal of reducing frequency with which citizens are called for jury duty.

2000

December 2000

Dear Fellow Citizen:

Round One — In the early 1980s, the Council for Court Excellence took the lead in promoting the one day/one trial jury reform in the DC courts. Through Congressional legislation and progressive implementation by the Superior Court, for the past decade citizens of this community have participated in a more user friendly petit jury process.

Round Two — It is with great pride that we share this final report of the DC Jury Project with you. In reading these pages, you will see that both the DC Superior Court and the US District Court for DC have made great strides during the past four years in improving the way petit jurors are summoned, selected, and treated. Our city's trial courts will no doubt continue to develop solutions and take action on suggestions from the community to strengthen this most important and democratic institution — the jury trial.

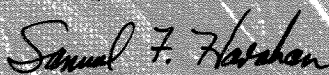
As other states also seek to invigorate their own jury systems, we take special pride in noting that the District of Columbia is the only jurisdiction to date in the United States to have included both the state and the federal courts in its jury reform efforts. Because of the committed leadership of our local and federal trial judges, DC has evolved into a national model of success in the petit jury area. We commend the courts' leaders and administrators and the bar for demonstrating a genuine interest in preserving and strengthening the petit jury system in the Nation's Capital.

The Council for Court Excellence would like to thank the following charitable foundations for their generous support of this independent examination of the jury systems in Washington, DC: Good Samaritan, Inc., The Morris and Gwendolyn Cafritz Foundation, the Philip L. Graham Fund, the Clark-Winchole Foundation, the Eugene and Agnes E. Meyer Foundation, the James M. Johnston Trust, and the Clerk's Trustee Account of the US District Court for DC.

The effective administration of justice heavily depends on the participation and feedback of citizens. This is especially true in our jury system. Without willing citizens we would not have trial by jury as we know it in the District of Columbia or in the United States.

In formally concluding the DC Jury Project, the Council for Court Excellence urges citizens of the District of Columbia to actively pursue positive change in the administration of justice by participating in your civic duty as petit and grand jurors. Providing the courts with your participation and your feedback will continue to enhance the quality of justice and the experiences of those who are taking such an active role in America's democracy.

Sincerely,



Samuel F. Harahan  
Executive Director




## ABOUT THE COUNCIL FOR COURT EXCELLENCE

The Council for Court Excellence, founded in 1982, is a non-profit civic organization that works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area and in the nation. The Council accomplishes this goal by identifying and promoting court reforms, improving public access to justice, and increasing public understanding and support of our justice system.

## SPECIAL THANKS

The Council for Court Excellence DC Jury Project has been made possible by generous financial contributions from the following foundations: Good Samaritan, Inc., The Morris and Gwendolyn Cafritz Foundation, the Philip L. Graham Fund, the Clark-Winchcole Foundation, the Eugene and Agnes E. Meyer Foundation, the James M. Johnston Trust, and the Clerk's Trustee Account of the US District Court for DC.

The Council for Court Excellence also wants to thank the members of the DC Jury Project Study and Implementation Committees, the CCE Public Service Committee, and the CCE Court Improvements Committee for their hard work and contributions to the success of this project.



For more information, or for a copy of the February 1998 DC Jury Project report, *Juries for the Year 2000 and Beyond*, contact:

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