

The Vanishing Juror: Why Are There Not Enough Available Jurors?*

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Juror nonresponse is a problem in many urban areas. In a five-part study conducted in Washington, D.C., we found that approximately 20 percent of jurors ignore the jury qualification questionnaire and another 40 percent did not receive it at all. Only 18 percent of potential jurors actually serve. Many jurors do not show because of financial hardship and the inconvenience of jury duty, and because the system is seen by some as unfair. We found that increasing the jury fee would be unlikely to increase the juror response rate and punitive measures might create unacceptable resentment in the district because some of the city agencies responsible for implementing these punishments are viewed as dysfunctional. Therefore, the court should consider other positive, nonmonetary inducements.

The jury system in Washington, D.C., is facing a serious problem in recruiting jurors. Approximately 20 to 30 percent of the juror summonses/questionnaires are returned to the court as nondeliverable, and another 30 percent are not returned at all. Only about 20 percent of citizens who are summoned are actually qualified and appear for jury service. The jury wheel, which is supposed to last for two years, now lasts for less than nine months.¹ In response to this and other problems surrounding the jury system in the District of Columbia, the D.C. Jury Project (DCJP) was created with the help of the Council for Court Excellence (CCE), a community-based, nonprofit organization, in cooperation with leadership of the Superior Court of the District of Columbia (DCSC) and United States District Court for the District of Columbia (USDC). The DCJP consisted of judges, local officials, attorneys, citizens, and academicians and was established to "evaluate and strengthen the institution of the jury in the District of Columbia." The committee made substantial recommendations for reform (Council for Court Excellence, 1998). Fortunately, with the support from the DCJP, CCE, and courts in Washington, D.C., we were able to conduct an exploratory empirical study of juror nonresponse.

The jury system in Washington, D.C., serves two courts: the Superior Court of the District of Columbia and United States District Court for the District of Columbia. A

* Acknowledgments: Special thanks to Peter Willner, who gave invaluable research assistance throughout this project. I also thank the Council for Court Excellence, G. Thomas Munsterman, Judges Gregory Mize and Thomas Hogan, and the three anonymous reviewers, whose recommendations proved invaluable.

¹ The jury wheels created in the District of Columbia in 1991 and 1992 lasted twenty and twenty-two months, respectively. The wheels created in 1995 and 1996 only lasted ten and eight months, respectively.

juror-names source list (known as the jury wheel) is created by merging three different sources: registered voters, licensed drivers, and those having nondriver identification cards from the Department of Motor Vehicles. The 1997 wheel held 323,992 names, of which 90 percent were reserved for DCSC and 10 percent for USDC. DCSC uses the one-day/one-trial system and summons between 1,000 and 1,650 jurors per day. USDC calls jurors for two weeks and summons approximately 900 per two-week time period.

The district is not alone with the problem of decreasing juror yields. This problem has been observed in many other urban areas. Adler (1994:220) reports, without documentation, that the national juror no-show rate is 55 percent. New York City had a nonresponse rate of 58 percent before they began an enhanced enforcement program (New York State Unified Court System, 1996). Munsterman (1995) found a nonresponse rate of 26 percent in Wayne County, Michigan, and King (1996) reported a nonresponse rate of 52 percent in Los Angeles in 1994 before reforms were introduced. However, King (1996:2697) is correct when she reports that, "high rates of jury avoidance seem to be a localized phenomenon, not a nationwide epidemic." One study of eighteen United States District Courts found that, on average, 9.1 percent of jury questionnaires were returned to the court as undeliverable, and 9.8 percent were not returned at all (Bueker, 1997). An unpublished study conducted by the Clerk's Office of the United States District Court for the District of Columbia found that in thirteen urban United States District Courts, undeliverable rates ranged from 11 percent to 30 percent and nonresponse rates ranged from 4 percent to 22 percent. King (1996) conducted a nationwide survey of judges and found that "only" 38 percent of state court judges and 23 percent of federal judges thought that the problem of nonresponse to juror summonses was growing.

In sum, although juror nonresponse is not a universal problem, it is a serious problem in many urban areas. After some research, it became clear that opinions on why jurors are delinquent have been based mostly on speculation. Technical support personnel at the National Institute for Justice were unable to find a single published study on this issue after consulting their expansive literature-search database. One unpublished study conducted in Multnomah, Oregon, found that nonresponse jurors were more likely than other jurors to be divorced, to have full-time dependent care responsibilities, and to consider jury service a financial hardship (Haggerty et al., 1993). However, the response rate in this study was only 15 percent.

A study, which was released just before this article was revised for final submission (Boatright, 1998), found that in four jurisdictions the main reasons for juror nonresponse were economic hardship; the belief that one is unlikely to actually serve and, hence, is wasting time; the inconvenience of jury duty; and, most important, many citizens did not receive the summonses in the first place. Boatright found that only a few citizens refused to serve jury duty because they distrusted the judicial system.

Other analysts have theorized on why jurors evade jury duty. These theories fall into four main categories:

Jury duty is an economic hardship for many (DiPerna, 1984:80; Adler, 1984:51). Employees do not always cover lost wages, or they otherwise discourage jury duty. Self-employed individuals often have great difficulty taking days off. The daily

jury fees of \$30 (DCSC) or \$40 (USDC) do not begin to cover the potential losses for most working people.

Jury service can be uncomfortable (Adler, 1994:220). Trials can be lengthy, the long waits can be boring, and courthouses can be noisy, crowded, unclean, and inconvenient to transportation.

3. Fukurai et al. (1993:54) believe that one of the primary reasons for minority underrepresentation on juries is the belief that the system is biased and the government is not to be trusted. Therefore, many minorities choose not to participate in the jury system. It is recognized by many jurors that they will not be punished if they evade jury service (King, 1996; Adler, 1994). This creates a reinforcing negative cycle. Responding jurors become cynical and angry when they see their friends, neighbors, and coworkers evading service. This leads to greater likelihood for their future nonparticipation.

Juror nonparticipation has the following negative consequences.

It is believed by some analysts (Hans and Vidmar, 1986; Fukurai, Butler, and Krooth, 1993; Munsterman and Munsterman, 1986) that differential return rates result in underrepresentation of minorities and the poor. This underrepresentation is further exacerbated, given the greater geographic mobility of the poor, when the source lists are out of date and inaccurate (Alker and Barnard, 1998; Fukurai, Butler, and Krooth 1993; Bueker, 1997).

With greater juror nonparticipation, citizens and legal participants are more likely to believe that juries are nonrepresentative and that the system is inherently unfair. A related issue is that for a participatory democracy to work, citizens must participate. When citizens do not vote and do not serve as jurors, they are less likely to feel they have a stake in the system.

As discussed earlier in this article, in some urban areas there are simply not enough jurors. This results in greater cost and the need to use, on a more frequent basis, jurors who are willing to serve.

Both rewards and punishments have been suggested to solve the problem of juror nonresponse. Recently, some states have enacted programs that fine or otherwise punish nonresponse jurors (New York, California, and Massachusetts). Several popular press articles have discussed courts using greater punitive sanctions against no-show jurors. (Andrea Gerlin, "Jury-Duty Scofflaws Try Patience of Courts, *Wall Street Journal*, August 9, 1995; Jan Hoffman, "Jury-Duty Dodgers Tell It to the Judge, *New York Times*, April 8, 1996.) Los Angeles reported the nonresponse rate dropped from 50 percent to 20 percent after a crackdown (Stacy Kravetz, "I'm Sorry, I Can't Do Jury Duty Now: My Dog Died Again," *Wall Street Journal*, August 20, 1997). Similarly, the response rate in New York County improved from 42 percent to 76 percent after using enhanced enforcement (New York State Unified Court System, 1996).

However, King (1996) believes there has been a movement away from punitive measures in recent years. It is easier to encourage jurors to serve by shortening service, making employers liable for lost wages, and encouraging deferred service when necessary.

Given the lack of previous research on juror nonresponse, the DCJP decided to study why juror yields are so low in the District of Columbia and what remedies could be implemented to increase them. The study was exploratory in nature, and we were guided more by questions than by hypotheses. These questions were as follows:

1. When jury qualification questionnaires are not returned to what extent is this caused by a) problems with the source lists; b) the post office not delivering the questionnaires; or c) jurors not returning the questionnaires?
2. Why are some jurors not returning the questionnaires?
3. What problems do jurors see in the system?
4. What remedies could be implemented to increase juror response?
5. To what extent does juror nonresponse result in nonrepresentative venires?

To answer these questions, we constructed a five-part study.

Part I

In the first part of this research, we analyzed all jurors sent jury qualification questionnaires over a two-week period beginning on June 15, 1997. Each juror's final disposition was classified into one of the following categories: qualified, not qualified, questionnaire not returned, or questionnaire returned undeliverable. Jurors who were not qualified were further divided into twelve subcategories. These final dispositions were analyzed by geographic region within the District of Columbia (ward), by summoning court (USDC or DCSC), and by source list (DMV or voter registration). For jurors who were qualified, we were also able to analyze their demographic composition based on their answers on the jury qualification questionnaires. This research gave us an initial profile of the jury wheel.²

Methodology: USDC keeps a master list of all jurors. A research assistant copied relevant information into a computerized database for the approximately 900 jurors summoned over the two-week period. DCSC maintains all relevant data for all jurors on a mainframe computer. We were given a copy of this database for the approximately 17,000 jurors who were mailed questionnaires over this two-week period.

Part II

In part II of this study, we tried to contact 150 potential jurors from DCSC whose questionnaires were returned by the post office as nondeliverable.³ This research allowed us to determine whether questionnaires were nondeliverable because of

² See Tables 1 and 2 for a breakdown and analysis of the jury pool for the D.C. Superior Court. These tables are discussed in the results section later in this article.

³ We were not permitted to conduct this stage of the research in USDC.

Table 1
Analysis of Jurors' Mailed Qualification Questionnaires,
D.C. Superior Court by Source List, June 15-30, 1997

	<u>Motor Vehicles</u>	<u>Registered Voters</u>	<u>Total</u>
Qualified			3.6
Not returned			4.6
Undeliverable			5.6
Not qualified			1.2
Further Breakdown of Not Qualified			
Deceased	0.3	0.3	0.3
Noncitizen	1.6	0.1	1.0
Non-DC resident	3.1	4.0	3.5
Under 18 years of age	0.7	0.1	0.5
Not speak English	0.6	0.3	
Hearing impaired	0.1	0.0	0.1
Physical/Mental disab.	2.7	4.1	3.3
Served jury duty 2 yrs.	0.7	1.5	
Trial pending	0.1	0.3	
Felony conviction	0.8	1.0	0.9
Not qualified	(10.9)	(11.9)	(1.2)
Total mailed out		6,855 (40.2%)	064

- a. Mistakes made by the U.S. Postal Service
- b. Problems with the source lists
- c. Residents changing addresses at a rapid pace
- d. Citizens refusing to accept the questionnaires from the U.S. Postal Service

Methodology: This research required interviewing respondents one-on-one. The data-processing division of DCSC gave us a computerized list of 150 jurors whose questionnaires were returned by the post office as nondeliverable. A major problem occurred in trying to contact jurors. The jury office does not have telephone numbers for jurors who do not return the juror qualification questionnaires. We used the following sources to obtain information about how to contact jurors:

- a. Telematch—a firm that specializes in finding telephone numbers given a person's name and address.
- b. Phone books.
- c. Directory assistance.
- d. *The Haines Criss-Cross Directory*—This source gives the name and telephone number of the current resident of an address. By speaking to the current resident or a neighbor, we were often able to determine whether a juror had moved.

Table 2
Demographic Composition of Qualified Jurors, Superior Court,
June 15-30, 1997

	Qualified Jurors	Total DC* Population (Age 18+)
Gender		
Male	41.4	45.6
Female	58.6	54.4
Race		
White	34.2	
Black	61.9	52.4
Other	3.9	4.5
Age		
18-29	23.5	29.6
30-39	22.6	22.3
40-49	24.0	
50-59	16.6	0
60-69	9.8	3
70+	3.5	
Education		
Less than high school		26.2
High school grad.		21.8
Some college	14.5	21.3
College grad.	24.0	16.0
Postgraduate	20.4	14.6

Source: *Census of Population and Housing, 1990: Summary Tape File 1* on CD-ROM (District of Columbia), prepared by the Bureau of the Census, Washington, D.C., 1991.

We ascertained the status of 125 of the 150 jurors whose questionnaires were returned as nondeliverable. Only one juror refused to participate in this stage of the study.

Part III

In this phase of the research, we tried to contact 300 jurors from DCSC who did not return the qualification questionnaires.⁴ Using a structured questionnaire, respondents were asked a variety of questions to determine what they thought of the jury system, why they did not return the questionnaires, and how they might be encouraged to respond in the future. Throughout this stage of the research, great care was taken to protect the con-

We were not permitted to conduct this stage of the research in USDC.

confidentiality of the jurors and to protect them from any adverse results for the answers they gave.⁵

Methodology: This research also required interviewing respondents one-on-one, and a similar methodology was applied as in Part II. Our first choice for interviewing was by telephone. We used the same four sources that we employed in contacting jurors whose questionnaires were returned as nondeliverable (see above). We supplemented these four sources with two additional mechanisms for contacting jurors:

- a. Westlaw Information America. By examining credit reports, we were often able to find current telephone numbers and addresses for jurors.
- b. We tried to conduct face-to-face interviews at the homes of all jurors who could not be contacted by other means.

Because we were attempting to interview people who refused to respond to a court questionnaire or a summons, we expected great difficulty reaching jurors. The following principles were employed:

All jurors were sent letters on Howard University letterhead before they were contacted explaining the study and how to contact us.

Jurors who could not be reached initially (not at home, busy signal, or who were busy when the initial call was made) were called at least ten times over different time periods.

Jurors were offered a cash incentive (\$10) to participate in the study and an additional \$10 if they called us.⁶

We attempted to interview 300 jurors. The status of these interviews are given below:

We interviewed 62 jurors who should have returned the jury qualification questionnaire.

We determined that 158 jurors had moved.

Eleven jurors would have been disqualified (not speaking English, noncitizens, and so on).

4. Sixty-nine jurors could not be contacted.

We were able to interview or determine the status of 77 percent of the jurors we attempted to contact.

⁵ We were very concerned with issues surrounding confidentiality. This was of special concern because jurors who do not respond to the jury qualification questionnaires or the summonses were breaking the law and could theoretically be fined or imprisoned. We followed very detailed protocols to maintain juror confidentiality. These protocols were approved by the Institutional Review Board at Howard University.

⁶ Giving cash incentives for participation in surveys is not unusual. This is especially true in surveys regarding a sensitive issue. The additional \$10 was used to encourage a juror to contact us when we were able to find a telephone number for that juror.

Part IV

Eight jurors who were interviewed in part III of this research participated in a focus group to discuss these issues in greater detail.⁷ In a focus group, a small number of people discuss a given issue. In general, people feel more comfortable with the informal discussions that take place in a focus group. Focus group members can react to one another, discuss issues in far greater detail compared to a structured interview, and can reflect on the issues in question over a longer period of time. Their qualitative responses allowed for a more in-depth understanding of why some jurors avoid jury duty and how these jurors react to potential rewards or sanctions.

Methodology: We attempted to recruit all jurors who indicated in the survey conducted in part III that they did not return the juror qualification questionnaire. The focus group attendees were paid \$75 for their attendance. The focus group was conducted away from the court, was led by an experienced focus group moderator, and was videotaped.

Part V

We gave an exit survey, which was partially modeled after the survey used in part III, to jurors who appeared in USDC.⁸ We asked jurors questions to find out why they were willing to serve as jurors, what they thought of jury service, and how to improve it. Jurors returned the questionnaires when they left at the end of their service. The questionnaires were self-administered and fully anonymous.

Seventy-nine jurors filled out the exit survey in a six-week period. The response rate for this survey was extremely low (about 20 percent), and the results are, therefore, more suspect.

Results

Overview

In the two-week period we examined, DCSC mailed 17,064 jury qualification questionnaires and summons.⁹ USDC mailed 896. There are two reasons for this large discrepancy: the state trial court in the district uses a one-day/one-trial petit jury system and has a far larger caseload. The amount of work that DCSC faces in processing this infor-

⁷ For a thoughtful discussion of the comparative advantages and disadvantages of surveys and focus groups, as well as how to use them jointly, see Siegel, 1996. See also Krueger (1998) for an excellent discussion of how to run focus groups.

⁸ We were not permitted to conduct this stage of the research in DCSC.

⁹ We use two figures in this article on the number of jurors who were mailed summonses/questionnaires by DCSC. We were given a list of 17,064 names. However, this list excluded the approximately 6 percent of potential jurors who were deferred to another date. To make these data comparable with data from USDC, we later estimated the number of jurors mailed questionnaires to be 18,088.

mation is especially daunting. Nevertheless, we were impressed with the dedication and professionalism of the staff of both DCSC and USDC.

Qualified Jurors

Less than 20 percent of the approximately 17,000 DCSC jurors and the 900 USDC jurors who were mailed jury qualification questionnaires during the two-week period were qualified. We compared the demographic composition of the qualified jurors with data from the U.S. Bureau of the Census for D.C. residents over the age of 18. The qualified jury pool is broadly representative of the D.C. population in terms of gender and race. However, the pool is underrepresentative of citizens under the age of 29¹⁰ and overrepresentative of jurors with a college education.¹¹

Undeliverable Questionnaires

Approximately 25 percent of questionnaires are returned by the post office as undeliverable.¹² In our interviews with jurors, current residents of the address to which the summons was mailed, or their neighbors, it became apparent that very few (between 2 to 3 percent) jurors actually still live at those addresses.¹³ However, we do not know whether jurors have moved within or outside the district.¹⁴ Further research needs to be conducted on whether employing National Change of Address (NCOA) information would prove beneficial in contacting jurors who have moved within the district.

Between 30 and 40 percent of questionnaires were not returned at all.¹⁵ Our research indicates about one-third of the questionnaires were not returned because jurors had moved and the post office or current resident did not return these questionnaires to the

¹⁰ According to the Bureau of the Census, of the population over the age of eighteen, 29.6 percent are under the age of thirty. This compares to 23.5 percent of qualified jurors from DCSC ($Z=9.0$; $p<.0001$) and 15.9 percent from USDC ($Z=8.1$, $p<.0001$).

¹¹ According to the Bureau of the Census, of the population over the age of eighteen, 30.6 percent of the citizens of the district have a college degree. This compares with 44.4 percent of jurors in DCSC ($Z=18.1$, $p<.0001$). We were unable to collect comparable data in USDC.

¹² In our first analysis, it appeared that only 6 percent of questionnaires from superior court were undeliverable. We later found out that due to the large volume of undeliverable mail, most questionnaires returned by the post office as undeliverable were not recorded as such in the DCSC computer system. However, given that the two courts use identical source lists, we are safe in concluding that the nondeliverable rate for DCSC is equivalent to that in USDC.

¹³ We conducted additional research on returned questionnaires by examining a randomly chosen box of 581 returned questionnaires. The vast majority had either moved or the post office had determined that the address was not known or insufficient. It is possible that some of these addresses are "nonexistent," which would further undermine the supposed accuracy of the source lists.

¹⁴ Most neighbors or current residents only knew that the person had moved and were unable or unwilling to tell us the location of the former resident.

¹⁵ There is a discrepancy between the nonreturn rates for DCSC and USDC; 42 percent and 29 percent, respectively ($p<.0001$). We are not clear on why this is the case.

jury office. These questionnaires should be considered nondeliverable. Therefore, approximately 35 percent of juror questionnaires are nondeliverable.¹⁶

There are clearly serious problems with the three source lists. The two DMV source lists are the most inaccurate. When we interviewed personnel from DMV, they said that they did not have the capability or the resources to update their list given information (in electronic format or other) from the two jury offices. Therefore, we were not surprised to find that approximately twice as many questionnaires¹⁷ are returned as nondeliverable when the juror information originated from the DMV source list.¹⁸

Nonresponse Jurors

We estimate that 20 percent of jurors are simply ignoring the summons and questionnaire.¹⁹ Jurors avoid jury service for a variety of reasons.²⁰ The survey and focus group showed the six most important reasons:²¹

1. Economic issues—the amount paid for jury service does not compensate for lost work.
2. Time constraints—jury duty is inconvenient, and time spent on jury duty reduces the amount of time one can spend on work, family obligations, and other activities.
3. Distrust of the judicial system—the system is perceived by some jurors as biased against people of color and the poor, or as simply unfair.
4. Disliking the mechanics of the jury system—too much time is spent waiting, jurors get called too often, and there are deficiencies in issues of comfort (loud televisions, poor food, etc.).
5. Not wishing to judge others—some jurors stated that they could not morally judge others.
6. Realizing they will not be punished—a few jurors mentioned that they skipped jury duty because they realized they would not be penalized.

¹⁶ In DCSC: $24\% + 1/3 (42\%) = 38\%$.

¹⁷ This estimate is based upon data from USDC, whose data on undeliverable questionnaires are more accurate.

¹⁸ The DCJP recommended that the jury wheel be a "living" wheel. Information from one wheel should be used to update the next wheel. Therefore, if a juror's questionnaire is returned as nondeliverable one year, a computer program can tell the next wheel not to mail a questionnaire to the same juror at the same address. This should save almost 100,000 pieces of mail per year. However, although this will reduce costs, it does not expand the wheel to include all eligible citizens.

The committee also recommended expanding the source lists for the wheel to include those on public assistance, recently naturalized citizens, tax rolls, and others who volunteer.

¹⁹ We believe the nonresponse rates are different in DCSC than in USDC; 28 percent and 17 percent, respectively. Because we did not interview jurors from USDC, our estimates should be interpreted with caution. Boatright (1998) also found juror nonresponse was greater in state courts compared to federal courts.

²⁰ Somewhat surprisingly, there were no statistically significant differences on any of these questions between nonresponse jurors who had served jury duty in the past and those who had not.

²¹ It is not proper to place percentages with these six categories as they are combined from the focus group and the survey.

Jurors who did not return the juror qualification questionnaires were representative of the district in terms of race and education. Nevertheless, our sample of nonresponse jurors was younger²² and more likely to be female relative to the D.C. population.²³

Most nonresponse jurors indicated that increasing juror pay from \$30 to \$40 (in DCSC) per day would be unlikely to encourage them to respond in the future. This "reward" would have little effect. Some of the recommended punishments (large fines and not allowing nonresponse jurors to renew their driver's licenses) would have a substantial effect on many jurors. Most nonresponse jurors were antagonistic toward penalties, which might lead to greater anger toward the criminal justice system. This resentment would be exacerbated because of the problems with the accuracy of the source lists (many jurors would be accused of being nonresponsive when they had simply moved and the source list was not properly updated). Further compounding this problem was that the Department of Motor Vehicles would administer one of the potential sanctions, and their ineptness would likely result in tremendous difficulty in applying and later removing sanctions.²⁴

Members of the focus group were unanimous in how upset people would be with increased penalties. As one attendee put it, "Don't make criminals out of us." Most of the focus group attendees thought a different approach should be tried. Jurors should be encouraged to serve by telling them they are needed, by telling them that they can have an impact, and by "empowering" and educating them. Members of the focus group kept coming back to the theme of "make it positive." Some of the recommendations of the D.C. Jury Project already act to further empower jurors (taking notes and asking questions). Some focus group members also referred to juror nullification and recommended sending more educational materials in advance and having ongoing education programs while jurors are waiting.

Jurors Who Do Show

Jurors who answered our exit interviews in United States District Court had a very favorable opinion of their jury service experience. They thought highly of the courthouse staff, had a favorable rating of the waiting room and other facilities, and found the overall jury experience to be worthwhile. Over 80 percent said they would be happy to serve again.²⁵

²² Forty-two percent under the age of twenty-nine compared to 30 percent in the district ($Z=2.2$, $p=.04$).

²³ Sixty-nine percent of jurors we interviewed were female compared to 54 percent in the district ($Z=2.67$, $p=.01$).

²⁴ A 1997 *Washington Post* survey (April 30-May 4) found that only 37 percent of district residents rated the Department of Motor Vehicles as excellent or good. When we interviewed administrators of the DMV, they stated that they ignore notification of changes of address from the jury office because they lack the personnel to enter the data into their computer system and they do not have programmers who could import an electronic file from the jury office.

²⁵ Because of the low response rate for the exit surveys (approximately 20 percent), we urge caution in their interpretation.

Table 3
Comparison of Actual Jurors with Nonresponse Jurors

Is jury duty something you look forward to? Would you say:

	Actual Jurors (USDC)	Nonresponse Jurors (DCSC)
Definitely yes	27	12 *
Mostly yes	19	10
Yes and no	30	21
Mostly no	24	23
Definitely no	0	34

Have you served jury duty before?

Yes	81	47 *
No	19	53

I am going to list some reasons why some people do not want to serve as a juror. For each reason tell me whether it applies to you very much, somewhat, or not at all?

a. I could not afford to lose my pay from work.		
Very much applies	10	21
Somewhat applies	8	15
Not apply	82	64
b. Other work obligations.		
Very much applies	27	34
Somewhat applies	28	21
Not apply	45	44
c. Transportation problems.		
Very much applies	7	15
Somewhat applies	11	13
Not apply	83	72
d. I can't be a fair juror.		
Very much applies	3	13 *
Somewhat applies	11	25
Not apply	86	62
e. Problems with caring for children or other relatives.		
Very much applies	7	12
Somewhat applies	7	10
Not apply	86	79
f. Fear of threats from defendants.		
Very much applies	5	13
Somewhat applies	23	20
Not apply	72	67
g. Health problems.		
Very much applies	4	7
Somewhat applies	13	10
Not apply	83	84

If you did not want to serve as a juror, what is the major reason you did not want to serve?

Economic	14	23
Time constraints	8	21 *

Cannot be fair	4	15 *
Not like system	3	13 *
Not like jury service	8	13
Health	5	3
Fear defendants	1	5
Serve too often	3	2
None mentioned	59	23 *

I am going to list some reasons why people want to serve as a juror. For each reason, tell me whether it applies to you very much, somewhat, or not at all?

It's my civic duty.		
Very much applies	67	53
Somewhat applies	26	28
Not apply	7	20
To make the \$30 per day.		
Very much applies	7	2
Somewhat applies	18	15
Not apply	75	84
It would be interesting.		
Very much applies	58	36 *
Somewhat applies	31	44
Not apply	10	20
It is important for a working democracy.		
Very much applies	64	60
Somewhat applies	27	23
Not apply	9	17

If you wanted to serve as a juror, what is the major reason you wanted to serve?

Help justice	13	29 *
Would be good juror	6	13
Civic duty	33	32
Interesting	13	5
Money	1	0
None mentioned	39	26

* Chi square significant at .05 level.

Comparison of Actual Jurors with Nonresponse Jurors

As one would predict, nonresponse jurors were far more likely than actual jurors to say they were not looking forward to jury duty (57 percent v. 24 percent; see **Table 3**). Nonresponse jurors were more likely than actual jurors to mention the following reasons for not serving: an inability to be a fair juror (38 percent v. 14 percent), time constraints (21 percent v. 8 percent), and dislike of the judicial system (13 percent v. 3 percent).

There were two statistically significant differences between actual jurors and non-response jurors on why they would want to serve: Actual jurors were more likely than nonresponse jurors to say it would be interesting (60 percent v. 36 percent). Somewhat surprisingly, we found that nonresponse jurors were more likely than actual jurors to say that if they wanted to serve, one of the primary reasons would be to serve justice (29 percent v. 13 percent).

Conclusions

The two source lists (motor vehicles and voter registration) are seriously inaccurate. A 35 percent nondeliverable rate is too high. Having a "living" wheel will help reduce this percentage. However, unless the source lists are directly cleaned up, many potentially eligible jurors will not be asked to serve. Further discussions with officials from the Department of Motor Vehicles and Registered Voters should take place to find solutions to this problem.

Approximately 20 percent of jurors are purposely ignoring jury duty. Although this percentage is lower than some originally estimated, it is still too high. This may be especially true among young people, which raises the potential for the problem getting worse in the future. A further concern is that as the time duration of the wheel gets shorter, the same jurors get called again and again. This may lead to both burnout and a more unrepresentative jury pool.

Increasing payment for jurors is unlikely to have any substantial effect on the non-response rate. Severe sanctions would probably lead to greater participation but would also lead to far greater resentment.²⁶ This resentment might be greater in the district than in other urban areas because of severe problems with the bureaucracies that need to be relied upon for enforcement and updating of the master wheel (Motor Vehicles and Voter Registration). Sanctions should only be considered after these departments are thoroughly reformed.

Improvements in the District of Columbia need two prongs. First, the source lists must be cleaned up on an ongoing basis. With an accurate census of potential jurors, more citizens will be called for jury duty. This will result in a jury pool that is both larger and more representative of the community. Furthermore, this reform will reduce the perception that the same jurors are called again and again while other citizens are not called at all.

The second prong for reform in the District of Columbia is creating a more positive experience for jurors. Jurors should have clean and comfortable jury lounges and courtrooms. Free day care should be made available and publicized. Employers should be more forcefully told that they cannot retaliate for employees who serve jury duty and should be encouraged to pay full wages for days served. Although jurors can defer jury service, this option should be more publicized and made easier to implement. A more fundamental change in the role of jurors is also necessary. Jurors need to be told that they are needed and that they can have a fundamental effect on the criminal justice system. They should be given greater educational opportunities before they begin jury duty and during any free time they have while they are in the courthouse. Furthermore, jurors should have a greater

²⁶ Boatright (1998) notes from his survey of court administrators that the most effective reform is increased follow-up and enforcement. He also notes that there is not one "magic bullet" that will increase juror response. One must view reforms as a package.

role in the process. The D.C. Jury Project has already recommended that jurors should be able to take notes and ask questions. In addition, they should be given greater latitude in interpreting and applying the law. If jurors feel "empowered," this will increase their rate of participation. These reforms should be implemented as a package, and it is not unseemly to publicize these changes in an ongoing and aggressive campaign. The court must realize that the current "jury appreciation week" is insufficient. The court should advocate a substantial media campaign and require innovative course work on juries and the criminal justice system in the schools. jsj

REFERENCES

- ADLER, S. J. (1994). *The Jury: Trial and Error in the American Courtroom*. New York: Times Books.
- ALKER, H. R. JR., and J. J. BARNARD (1978). "Procedural and Social Biases in the Jury Selection Process," 3 *Justice System Journal* 220.
- BOATRIGHT, R. G. (1998). *Improving Citizen Response to Jury Summonses: A Report with Recommendations*. Chicago: American Judicature Society.
- BUEKER, J. P. (1997). "Jury Source Lists: Does Supplementation Really Work?" 82 *Cornell Law Review* 390.
- COUNCIL FOR COURT EXCELLENCE, (1998). *Juries for the Year 2000 and Beyond: Proposals to Improve the Jury System in Washington, D.C.* Washington, DC: Council for Court Excellence, 1998.
- DIPERNA, P. (1984). *Juries on Trial: Faces of American Justice*. New York: Dembner Books.
- FUKURAI, H., E. W. BUTLER, and R. KROOTH (1993). *Race and the Jury: Racial Disenfranchisement and the Search for Justice*. New York: Plenum.
- HAGGERTY, L. et al. (1993). "Improving the Justice System Survey." Unpublished study available from the Center for Sociological Research, Portland State University.
- HANS, V. P., and N. VIDMAR (1986). *Judging the Jury*. New York: Plenum.
- KING, N. J. (1996). "Juror Delinquency in Criminal Trials in America, 1796-1996," 94 *Michigan Law Review* 2673.

- KRUEGER, R. A. (1998). *Focus Groups: A Practical Guide for Applied Research*. Newbury Park: Sage Publications.
- MUNSTERMAN, G. T., and J. T. MUNSTERMAN (1986). "The Search for Jury Representativeness," 11 *Justice System Journal* 59.
- MUNSTERMAN, G. T. (1995). "Third Judicial Circuit Court, Wayne County, Michigan. A technical assistance report, National Center for State Courts, Williamsburg, VA.
- NEW YORK STATE UNIFIED COURT SYSTEM (1996). *Jury Reform in New York State: A Progress Report on a Continuing Initiative*.
- SIEGEL, R. S. (1996). *Ambition and Accommodation: How Women View Gender Relations*. Chicago: University of Chicago Press.