

## **TRIAL JURY**

The 1985 LWVNYS Convention adopted a study of jury management focusing on selection and exemptions in response to delegate concern over the growing number of occupational exemptions from jury duty, proposals to ban the use of voter registration lists as a source for potential jurors, the great disparities in fees paid to jurors statewide, perceived inequities in the sharing of this civic duty, as well as concerns over efficient utilization of juror time.

### **TRIAL JURY**

#### **Statement of Position**

**As announced by the State Board, May 14, 1987**

**The League of Women Voters of New York State supports measures to promote a fair and efficient jury system which:**

- 1. Ensures that county jury pools are large enough to meet the needs of the courts;**
- 2. Represents a cross section of the community;**
- 3. Makes jury service pleasant and productive;**
- 4. Ensures that this civic duty is equitably shared by the eligible population.**

**We strongly support continued use of voter registration lists in conjunction with lists of state income tax filers and drivers licensees to generate the automated master list compiled by the Office of Court Administration for each county. We advocate a program of public education regarding this composite list to dispel misconceptions concerning links between voter registration and summons to jury duty.**

**To ensure a sufficient and representative supply of potential jurors, we recognize that other lists may be used in conjunction with the master lists.**

**We support abolition of all occupational exemptions and disqualifications in favor of a case-by-case review for excusal or postponement.**

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**The criteria for excusal - undue hardship or extreme inconvenience, public safety, and physical and/or mental impairment with report from a doctor - should be applied statewide with some flexibility in local implementation. Postponement policy should remain the responsibility of each Commissioner of Jurors, within guidelines set by the state.**

**The League supports continued ineligibility of non-English speaking citizens for jury service because of the responsibility a juror bears to understand the nuances of oral argument in a trial.**

**The primary responsibility for overseeing jury management and coordinating practices lies with the state. We support uniform statewide standards and measures.**

**Fairness requires the Legislature to address the inequities in jury service fees by instituting a uniform statewide fee.**

**Efficiency dictates that the “call-in” (where jurors check to see when needed) and “call-out” (where jurors are summoned when required) system should be implemented.**

**We support measures to reduce the frequency of jury duty in order to distribute this service more equitably among the eligible population. Some possible solutions could include mandating use of the same lists until that list is exhausted or allowing a longer interval between periods of jury service.**

Shortly after the 1987 consensus was announced, the Legislature passed a comprehensive trial jury bill that: dropped the requirement that jurors be able to speak the English language (substituting “understand and communicate”); provided a uniform \$15 per day juror fee, with a bonus of \$6 per day for trials lasting more than 30 days; provided a maximum five-day term of service unless engaged in a trial; extended the interval between jury service to four years and provided for strict enforcement measures.

Reluctantly, the League opposed the bill because of the extremely strong consensus on continuing the ineligibility of non-English-speaking jurors. The governor vetoed the bill on other grounds: the expense of the uniform juror fee. A trial jury bill including the \$15 uniform juror fee as well as the other League supported reforms contained in the 1987 proposal passed the Legislature in July 1988 and was signed by the governor.

The League continued to successfully oppose yearly proposals to ban the use of voter registration lists as a source for potential jurors. League efforts were unsuccessful, however, in efforts to abolish statutory exemptions to jury duty until 1995.

**Trial Jury Reform: The Jury Project, 1993-95**

Chief Judge Judith Kaye made trial jury reform a priority with the appointment in 1993 of The Jury Project, a panel of 30 judges, attorneys, jury commissioners, educators, journalists and business people, charged with thoroughly reviewing jury service in New York State. The Jury Project brought new life to the reform movement.

League testified before the Project in October 1993, stressing the need to expand the jury pool and achieve greater diversity through elimination of automatic occupational exemptions and increased effort at minority outreach. We also urged retention of voter registration lists as one of the three sources used in compiling the jury master lists as well as better utilization of jury volunteers.

The Jury Project Report was issued March 21, 1994. A multitude of reforms (80) were proposed to attain the objectives of: jury pools that are truly representative of the community; a jury system that operates efficiently and effectively; and jury service that is a positive experience for the citizens who are summoned to serve. The League forwarded positive and enthusiastic comments to the Chief judge regarding the many proposals that fall within League position.

The League successfully supported passage of one of the Project recommendations: to widen and diversify the jury pool by adding Department of Social Services and unemployment recipient lists to supplement the master list of driver licensees, state income tax filers, and voter registrants. The governor signed the legislation in July 1994.

A notable success for League came at the end of the 1995 session with passage of legislation to abolish all statutory exemptions and most disqualifications from jury duty. In May 1995 Senate Judiciary Chairman, James Lack, held public hearings on an Office of Court Administration bill to accomplish this. League testified in support of the proposal and encouraged the Assembly Judiciary Chair to also act on this legislation.

Another victory came with passage of legislation to raise the juror fee from \$15 to \$27.50 effective February 15, 1996, and \$40 effective February 15, 1997.

Many of the project recommendations have already been implemented administratively by the Office of Court Administration, such as shorter terms of service and elimination of the "permanent qualified list," use of which, in effect, circumvented the four-year disqualification upon completion of a jury service.

Unfinished business in the area of jury reform is opposing efforts to ban the use of voter registration lists as a source for potential jurors and educating the public on the role of multiple lists.

### **Federal District Courts**

There are four U. S. District Courts within New York State and three of the four rely solely on voter registration lists as a source of jurors. The use of voter registration lists is mandated by federal and by New York State law. However, neither federal nor state law precludes use of supplementary lists. The decision to rely solely on voter registration lists is a local decision by the boards of judges of the respective federal courts. The LWVUS gave LWVNYS permission to lobby the federal District Courts within New York State and has expressed interest in the results. In March 1992 as a direct result of local League response to our Action Alert, the U. S. Northern District Court approved the use of multiple source lists and merged New York driver's license and voter registration information to fill the jury-qualified wheels for the District.