

JURY MANAGEMENT SURVEY RESULTS

On August 1, 2007, the Administrative Office of the Courts distributed a jury management survey to all elected and appointed clerks in Tennessee. A total of 87 clerks and/or jury coordinators (“clerks”) responded, representing 86 of the 95 counties and all 31 judicial districts in Tennessee.¹ The results of the survey are summarized in relevant part below.

Frequency of Jury Trials

According to the AOC’s *Annual Report of the Tennessee Judiciary*, the table below reflects the number of criminal and civil jury trials in Tennessee between 2001 and 2006.

Type	2001	2002	2003	2004	2005	2006
Criminal	4695	4433	4631	5790	5960	6418
Civil	791	658	586	527	462	466

Private Acts

Knox County is the only county which reported having a private act addressing jury service. The remaining clerks stated that a private act did not exist, stated that they were not aware of such an act, or did not answer the question.

Source of Juror Lists

As the table below reflects, the majority of the counties select their jurors by utilizing the licensed driver list. Of the 87 responding counties, 22 utilize multiple sources when selecting jurors. Two counties select their jurors by utilizing only voter registration records. This appears to be contrary to Tennessee Code Annotated section 22-2-302(a)(1), which precludes the use of “permanent voter registration records as the sole or primary source” of names for a jury list.

Of the four largest counties in Tennessee, Davidson County is the only county which utilizes one source for juror names, and it utilizes the licensed driver list. Shelby County utilizes that list as well as the list of registered voters. Hamilton and Knox counties utilize the licensed driver list, registered voter list, and property tax records. A summary of the sources utilized by the 87 responding counties, including the four largest counties, is below.

¹ In Gibson County, the courts in Humboldt and Trenton operate as separate entities due to a private act. A clerk in each city completed a survey, and each city will be treated as a separate county for purposes of this report.

SOURCE	NUMBER OF COUNTIES UTILIZING THE SOURCE
Licensed Driver List	83
Registered Voter List	23
Property Tax Records	9
Telephone Service Records	5
Unemployment Compensation Recipient List	0
Welfare Recipient List	0
Utility Service Records	0
Other	0

Selection Process

Of the 87 counties responding to the survey, 60 use an automated system to select the names of potential jurors, 22 select the names manually, and five did not answer the question. Shelby, Knox, Davidson, and Hamilton counties all use automated systems.

As the table below reflects, counties with a population of less than 25,000 select an average of 715 potential jurors each year, and 86 percent of those persons are eligible to serve. Of those who are eligible, 83 percent respond to the summons and 13 percent are excused or disqualified before the panels are selected. The jurors' terms average 124 days in length.

Counties with a population of between 25,000 and 50,000 select an average of 1,375 potential jurors each year, and 81 percent of those persons are eligible to serve. Of those who are eligible, 68 percent respond to the summons and 20 percent are excused or disqualified before the panels are selected. The jurors' terms average 89 days in length.

Counties with a population of more than 50,000 (excluding Davidson, Shelby, Knox, and Hamilton counties) select an average of 2,861 potential jurors each year, and 71 percent of those persons are eligible to serve. Of those who are eligible, 63 percent respond to the summons and 23 percent are excused or disqualified before the panels are selected. The jurors' terms average 63 days in length for criminal cases and 78 days in length for civil cases.

Davidson, Shelby, Knox, and Hamilton counties select an average of 24,850 jurors each year, and the jurors' terms average 11 days in length. In Davidson and Shelby counties, 27 percent of the selected potential jurors are eligible to serve, and 100 percent of the eligible jurors respond to the summons. In Davidson County, 75 percent of those who respond are excused or disqualified before the panels are selected. In Shelby County, only one percent of those who respond are excused or disqualified. Knox County did not respond to these questions, and Hamilton County did not respond in a manner which allows the necessary calculations.

In 84 of the responding counties, it is possible for a juror to serve on more than one jury during the juror's term of service. Two counties indicated that it is not possible, and one county did not answer the question.

POPULATION	JURORS ON LIST (AVG)	ELIGIBLE (%) (AVG)	RESPOND (%) (AVG)	EXCUSED OR DISQUALIFIED (%) (AVG)	TERM (DAYS) (AVG)
Less than 25,000	715	86%	83%	13%	124
25,000 – 50,000	1,375	81%	68%	20%	89
More than 50,000 (not including the four largest counties)	2,861	71%	63%	23%	63 (criminal) 78 (civil)
Shelby, Knox, Davidson, and Hamilton counties	24,850	See explanation above	See explanation above	See explanation above	11

**** The majority of the counties providing these statistics indicated that they had not compiled statistics and were merely estimating.

Summonses and Exemptions/Hardships

The majority of the reporting counties utilize the same jury pool for criminal and civil cases. The amount of information provided in each summons regarding such things as eligibility requirements, parking information, appropriate attire, compensation, and length of service varies greatly from county to county. Some counties do little more than instruct the potential jurors to report to the courthouse on a particular date at a particular time, while others provide information regarding nearly all of the 17 topics listed in the survey (those topics are available upon request).

If a juror fails to appear or otherwise respond to the summons, some judges always take action, some take action only when doing so is necessary to secure an adequate number of jurors, and others never take action. The courts which choose to act typically issue a show cause order, send the sheriff to the person's home and/or office, ask the sheriff to investigate, send a second summons, write a letter instructing the person to contact the clerk's office or report to the courthouse, or call the person.

The procedure for invoking an exemption or requesting to be excused as a result of an undue hardship also varies from county to county. Persons who can excuse these jurors include the court clerk, jury coordinator, jury commissioner, judge presiding over a particular case, and/or judge assigned to consider such issues for the county during the term at issue. With regard to the form of the request, some counties require the potential juror to make the request in person, while others consider requests made by phone or in writing (via a letter, facsimile, or e-mail). Several counties indicated that a person requesting to be excused for medical reasons is required to provide a note from a medical professional. Some counties also require a letter from the person's employer, proof of age such as a driver license if the person is claiming an age

exemption, or a phone/electric bill if the person is claiming that he/she is not a resident of the county.

If jurors exercise exemptions pursuant to Tennessee Code Annotated section 22-1-103, 41 percent of the reporting counties consistently require those jurors to select a seven-day period within the next 12-month period that they are available to serve. The remaining counties do not consistently comply with this statutory requirement or did not answer the question.

Reporting Requirements and Amenities

Following the initial orientation/reporting date, jurors in 84 of the 87 reporting counties are only required to appear at the courthouse if needed. The majority of the counties require jurors to call a recording or a staff member to determine their status. Five of the counties with this call-in option also allow jurors to consult a website to obtain information regarding their service. In a few counties, a staff member calls the jurors when they are needed or activates a previously-arranged phone tree.

As reflected in the tables below, many counties provide persons who serve on juries and persons who are members of the initial jury pool with amenities. The first table addresses amenities for members of the jury pool and the second table addresses amenities for persons who serve on juries.

AMENITY FOR JURY POOL	POPULATION LESS THAN 25,000	POPULATION 25,000 – 50,000	POPULATION MORE THAN 50,000 EXCLUDING FOUR LARGEST COUNTIES	SHELBY, HAMILTON, DAVIDSON, KNOX COUNTIES
Free Parking	75% (24 of 32)	80% (24 of 30)	76% (16 of 21)	50% (2 of 4)
Convenient Parking	34% (11 of 32)	40% (12 of 30)	33% (7 of 21)	50% (2 of 4)
Free Bus Ticket or Other Transportation	3% (1 of 32)	0%	5% (1 of 21)	25% (1 of 4)
Mileage	75% (24 of 32)	53% (16 of 30)	52% (11 of 21)	0%
Free Child Care	0%	0%	0%	0%
Reading Materials	0%	3% (1 of 30)	10% (2 of 21)	25% (1 of 4)
Drinks	53% (17 of 32)	33% (10 of 30)	48% (10 of 21)	25% (1 of 4)
Snacks/Meals	47% (15 of 32)	20% (6 of 30)	33% (7 of 21)	0%
Access to TV	3% (1 of 32)	0%	10% (2 of 21)	50% (2 of 4)
Games/Puzzles	0%	0%	0%	0%
Access to Restroom	94% (30 of 32)	90% (27 of 30)	91% (19 of 21)	100% (4 of 4)
Access to Telephone	56% (18 of 32)	80% (24 of 30)	67% (14 of 21)	75% (3 of 4)
Comfortable Waiting Area with Adequate Seating	72% (23 of 32)	67% (20 of 30)	71% (15 of 21)	100% (4 of 4)
ADA Compliance	63% (20 of 32)	67% (20 of 30)	86% (18 of 21)	100% (4 of 4)
Other	0%	7% (2 of 30) – vending machines, drinks, snacks	5% (1 of 21) – vending machines, data hook-ups for laptop computers	75% (3 of 4) – vending machines, internet access, work stations, \$2.00 off garage parking

AMENITY FOR JURORS WHO SERVE ON JURY	POPULATION LESS THAN 25,000	POPULATION 25,000 – 50,000	POPULATION MORE THAN 50,000 EXCLUDING FOUR LARGEST COUNTIES	SHELBY, HAMILTON, DAVIDSON, KNOX COUNTIES
Free Parking	75% (24 of 32)	83% (25 of 30)	91% (19 of 21)	50% (2 of 4)
Convenient Parking	34% (11 of 32)	40% (12 of 30)	33% (7 of 21)	50% (2 of 4)
Free Child Care	0%	0%	0%	0%
Free Meals	59% (19 of 32)	47% (14 of 30)	81% (17 of 21)	50% (2 of 4)
Free Bus Ticket or Other Transportation	3% (1 of 32)	0%	0%	25% (1 of 4)
Mileage	72% (23 of 32)	50% (15 of 30)	52% (11 of 21)	0%
ADA Compliance	59% (19 of 32)	63% (19 of 30)	86% (18 of 21)	75% (3 of 4)
Other	9% (3 of 32) – drinks/snacks	0%	5% (1 of 21) - bottled water/snacks	25% (1 of 4) - \$2.00 off garage parking

**** As noted elsewhere in this report, some counties limit mileage reimbursement to a one-way trip or to jurors who live outside the city limits. Similarly, many of the counties which indicated that they provide jurors with free meals also noted that they limit that amenity to sequestered jurors, jurors who are deliberating, jurors who serve on criminal cases, and/or jurors who serve on felony criminal cases. For purposes of the tables above, counties which provide mileage reimbursement or free meals to any jurors are included in the number of counties providing those amenities regardless of whether those amenities are restricted to certain groups.

Compensation and Recognition

Of the responding counties, 13 percent provide some type of recognition for the jurors' service (excluding the compensation). This recognition typically consists of a certificate or letter from the judge or clerk thanking the juror for his/her service.

As the table below reflects, the majority of the counties who responded to the survey pay jurors a rate of \$10.00 per day plus mileage or a flat rate of \$11.00 per day. Unless otherwise provided, mileage is reimbursed at a rate of 10 cents per mile.

COMPENSATION	NUMBER OF COUNTIES
\$10.00 per day	10
\$10.00 per day plus one-way mileage	4
\$10.00 per day plus mileage	33
\$11.00 per day	22
\$11.00 per day plus one-way mileage	1
\$11.00 per day plus mileage	3
\$12.00 per day	2
\$13.00 per day	1
\$15.00 per day	2
\$15.00 per day plus 5 cents per mile	1
\$15.00 per day plus 10 cents per mile	2
\$15.00 per day plus 17 cents per mile	1
\$20.00 per day	3
\$30.00 per day if serve on a jury, \$15.00 per day if not selected for a jury – One of the two counties reimburses for mileage only if juror lives outside the city limits	2

Jurors' Comments

Approximately seven percent of the counties responding to this question indicated that they ask jurors to complete a written survey following their service. Based upon the written comments of those jurors and the oral comments of jurors who were not given an opportunity to complete a survey, the majority of jurors found it to be a very positive experience. The majority of the negative comments came from persons who felt it was an inconvenience to serve due to personal, financial and employment obligations. Other negative comments included the following: inadequate compensation; should not be asked to judge others; term is too lengthy; inadequate seating in the orientation room; seats in the jury box are in poor condition and are not large enough; air conditioning/heating in the courthouse does not work properly; restroom facilities are inadequate; spend too much time waiting; do not have faith in the judicial system; poor parking situation; unhappy being in limbo every day; and frustrating to report, wait for hours, and be released due to a defendant's guilty plea.

Clerks' Suggestions

Finally, the survey gave clerks the opportunity to make suggestions regarding how to make jury service a more positive experience for the jurors. Those suggestions included the following:

1. Increase the compensation (per diem as well as mileage);
2. Provide more parking;
3. Delete or modify Tennessee Code Annotated section 22-1-102(a)(2), which excludes from service a person "convicted of any offense involving the theft of property or services or any offense punishable as theft as graded by § 39-14-105." A clerk noted

- that she must exclude many people who wish to serve but cannot do so because they committed a theft offense many years ago;
4. Develop a uniform summons (provide clerks with an electronic copy so they can tailor it to fit their local customs);
 5. Educate employers regarding jurors' duty to serve;
 6. Require all employers to comply with Tennessee Code Annotated section 22-4-108 (compensation), not only in-state employers with five or more employees. Also, clarify this section, which is confusing to both employers and jurors;
 7. Decrease the amount of time jurors spend waiting;
 8. Pay for meals for all jurors, not just those serving in criminal cases;
 9. Improve the court facilities (room size, air conditioning/heating units, condition of chairs, more restrooms) so they can comfortably accommodate all of the jurors;
 10. Provide snacks and drinks;
 11. Provide a fact sheet and/or DVD regarding the origin and importance of the jury system so jurors can read/watch it while they are waiting and it will "bring to bear the service they are performing" (On a related note, a clerk mentioned that Anderson County has an impressive juror handbook);
 12. Do something to help smaller counties, who repeatedly see the same jurors;
 13. Improve the computer systems (Montgomery County's clerk noted that she is "extremely happy" with the automated juror administration system provided by Judicial Systems, Inc.);
 14. Provide more information in the summons so fewer people call the clerk with questions;
 15. Provide guidance regarding how to take action against a person who fails to respond to a summons;
 16. Don't summon more jurors than the court needs;
 17. Provide internet access and reading materials to jurors who are waiting;
 18. Start court promptly; and
 19. When creating new requirements, keep in mind that smaller counties have limited resources.