

HISPANIC REPRESENTATION IN JURY PANELS OF THE SUPERIOR COURT OF
CALIFORNIA, COUNTY OF ORANGE IS UNKNOWN.

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ABSTRACT

Our constitution sets forth certain inalienable rights and guarantees. One of these guarantees is the right to be tried by an impartial federal jury. Extended to the states, every citizen has the same guarantee in state court cases. In addition, citizens have the civic obligation to help the state courts fulfill this constitutional guarantee by participating in jury service. Clearly, every jurisdiction must work to ensure that juries are representative of the community. Ideal cross-section representation is achieved when every eligible citizen and all cognizable groups are included in the jury selection process.

As the third largest trial court in California and fifth in the nation, Superior Court of Orange County (SCOC) receives over 650,000 case filings annually. In 2008, SCOC heard 913 criminal jury trials and 237 civil jury trials. SCOC is committed to represent its diverse community and protect the rights guaranteed by the Federal and the California Constitution and Case Law. As detailed in the literature review of federal, California and case law of other states, this commitment requires that courts know and understand whether or not the jury pool is a fair representative of the community they serve. The most effective method of answering the question of fair representation is to have empirical data that demonstrates whether or not the jury pool is inclusive of all segments of the community.

In 2008 California's population was estimated to be 36,756,666, of which approximately 36% were categorized as Hispanic. In Orange County, with a population estimate of nearly three million residents, nearly one-third is Hispanic. This report aimed to verify the representation of Hispanics in SCOC jury panels.

Examination of the data collected from SCOC's Exit Questionnaires and from the Jury Management System (JMS) suggests that the make-up of SCOC jury panels may not reflect the demographics of the community. This study's survey produced a sampling of the currently lacking demographical information; to determine if Hispanics (the largest growing minority) are

under-represented. However, it is important to consider that project findings based on the analysis of available information and of the study's survey may be insufficient to provide conclusive findings or to establish a baseline for future reporting.

The jury survey did reveal that jurors believe juries are a necessity of the judicial process. In particular, minorities including Hispanics, believe the jury process is of profound importance.

Conclusions and recommendations focus on the two aspects of the study:

- The need to gather currently unavailable demographic information
- The commitment to nurture civic-mindedness amongst all groups in Orange County, particularly Hispanics.

In an effort to convey the importance of knowing whether this court is truly representative of its diverse community, the following recommendations are made:

- Initiate an awareness campaign amongst judicial and administrative staff that highlights the importance of demographical jury information
- Modify the Affidavit Questionnaire and the JMS system so the requisite data is collected and reported with the required demographic information
- Provide updated statistical reports that show the actual make-up of jury panels

The next set of recommendations focuses on the opportunity to nourish the sense of importance that all groups place on the jury selection process. It is essential that SCOC fosters a better means of communication with the community by:

- Disseminate current jury eligibility criteria to key minority organizations, community groups and schools
- Share juror-experience testimonials via electronic means and with local media outlets

The Superior Court of Orange County should consider changing its current practice of not tracking the race and ethnicity of summoned jurors. This must be done in plain sight without presenting the appearance of exclusion. Knowing the true representative composition of the jury pools in the community necessarily out-weighs the fear of an increase in jury challenges. This study reaffirms earlier findings, which state that minorities' believe that participation in jury

service gives them a sense of affinity with their community. OCSC recognizes that impartial juries are achieved through representative jury pools. The ultimate goal for SCOC should be true inclusiveness of all groups at all stages of the jury selection process. This court must ensure that no intentional or accidental exclusions occur and that it is meeting its mission of representing its truly rich and diverse community.

INTRODUCTION

A key role of the Judicial Branch of government is to ensure the adherence to and respect of the liberties and rights that we share as citizens. One of these rights is the right to be tried by a jury. An individual accused of a crime or who may be party to a civil dispute has the constitutional right to have a jury decide the outcome of his or her case. Article III, Section 2 of the U.S. Constitution, guarantees a trial by jury. This guarantee is further expanded by the VI Amendment to the Constitution, which guarantees “an impartial jury” and the VII Amendment, which ensures the preservation of trial by jury for civil trials.¹

In order to meet the U.S. Constitution’s mandate of impartiality, it is essential that the jury represent a fair cross-section of the community in which the crime occurred. Gertner and Mizner note that the impartiality requirement is met by a jury that conforms to the fair cross-section of the geographic area from which it is selected.² Every citizen called to jury service has the civic obligation to fulfill this Constitutional requirement by participating and representing their community.

A jury selection process must be inclusive to ensure constitutional rights are respected and preserved. Inclusiveness is achieved when distinctive groups of a community are identified and fair representation occurs. Systematic exclusion can occur when cognizable groups are continuously left out of the jury process, whether accidentally or intentionally. In his 1999 essay, Hiroshi Fukurai, stated that while the law requires the random selection of jurors to achieve true community representation, random selection does not guarantee representation of all groups within a community. He finds that racial and ethnic minorities tend to be under-represented in jury pools.³

¹ U.S. Constitution Section III, amendment VI and VII.

² Nancy Gertner and Judith H. Mizner, **The Law of Juries**, Glasser Legal Works, 1997, page 5-3.

³ Hiroshi Fukurai, *The Representative Jury Requirement: Jury Representativeness and Cross Sectional Participation from the Beginning to the End of the Jury Selection Process*, **The Jury System**, 2006.

Superior Court of Orange County (SCOC) strives to ensure that jury representation is inclusive. A key objective of this court's mission is to be representative of the county's diverse community.⁴ As such, the focus of this report is to verify if the representation of Hispanics in jury panels at SCOC was representative of a fair cross-section of the community. If they are not, the task of identifying why Hispanics are under-represented will be examined. Along with the findings, recommendations will be provided to help remediate the under-representation.

The Hispanic population in California is estimated at approximately 36% of the total state's population. In Orange County, with a population estimate of nearly three million residents, nearly one-third is of Hispanic decent. Of the one-third of Hispanics in this county, it is unknown exactly how many are eligible or qualified to serve on juries. Jury service eligibility is clearly set forth by California's Code of Civil Procedures.

California Law

California law is very specific on who does and does not qualify for jury service. In accordance with California Code of Civil Procedure, Sec 203(a), all persons are eligible and qualified to be prospective trial jurors, except the following:

1. Persons who are not citizens of the United States.
2. Persons who are less than 18 years of age.
3. Persons who are not domiciliaries of the State of California, as determined pursuant to Article 2 (commencing with Section 2020) of Chapter 1 of Division 2 of the Elections Code.
4. Persons who are not residents of the jurisdiction wherein they are summoned to serve.
5. Persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored.
6. Persons who are not possessed of sufficient knowledge of the English language, provided that no person shall be deemed incompetent solely because of the loss of sight or hearing in any degree or other disability which impedes the person's ability to communicate or which impairs or interferes with the person's mobility.
7. Persons who are serving as grand or trial jurors in any court of this state.
8. Persons who are the subject of conservatorship.

⁴ Superior Court of California, County of Orange 2008-2013 Strategic Plan, 2008, page 3.

The Code's Subsection (b) further prohibits the denial or exclusion as a juror for any reason other than those provided in Subsection (a). SCOC ensures that the list of qualifications (with the exception of #3) is included in the jury summons mailed to all prospective jurors.⁵

The court places a high emphasis on ensuring that a current disqualification for one of these causes is not a permanent disqualification. It does this by ensuring that names on the Master List are never deleted, they are only updated. Temporary exemptions may be granted, if the summoned juror can provide sufficient written documentation explaining in detail their request for an excuse. The written request for excuse must fall within one of these five categories:

1. Physical or mental disability
2. Provides for the care of another
3. Extreme financial hardship
4. Have served in the last 12 months
5. Peace Officers

Excusals get recorded as temporary updates in the Master List. This court places a great value on the validity and accuracy of its Master List by ensuring that it is kept current and up-to-date. SCOC is cognizant of the importance of legitimacy in its jury summons and selection process; therefore, it takes the necessary precautions to ensure no suppression files are used and no excuses or disqualifications are permanent.

SCOC currently maintains a Master List of nearly two million potential jurors. At any one time, it is not known how many will qualify to serve when summoned. Unfortunately, another unknown on this list is the racial and ethnic makeup of these potential jurors. Without this data, it is impossible to ascertain whether the number of Hispanics participating in jury service is representative of the percentage of eligible jurors living in Orange County.

Given that the task of gathering existing accurate and reliable demographic information by race and ethnicity, is not successful, a realization was made. The research, findings and recommendations of this document took a different turn. The content of this report will instead focus on the importance of gathering and tracking the necessary demographic information during all phases of jury service. It is critical that SCOC begin gathering this information which will

⁵ Superior Court of Orange County Jury Summons, see Appendix C: Juror Affidavit Questionnaire.

build the statistical data required to answer the original question. Alan Carlson, Chief Executive Officer at SCOC, stated that he would rather know if he has a problem than not know. In order to know if a problem exists; this court must be able to produce the statistical data that demonstrates representation of all groups.

What is the Superior Court of California, County of Orange?

The Superior Court of California, County of Orange is one of 58 trial courts in California. It provides judicial and court services to over three million county residents. As the third largest trial court in California and fifth in the nation, SCOC receives over 650,000 case filings annually. In 2008 SCOC heard 913 criminal jury trials and 237 civil jury trials. The mission of this Court is to “serve the public by administering justice and resolving disputes under the law, thereby protecting the rights and liberties guaranteed by the Constitution of California and of the United States.” The vision of SCOC is to provide the highest quality of justice and court system services to the community which includes adhering to its commitment to “respond to the needs and be representative of Orange County’s diverse community”.⁶ It is this commitment that embodies the objective of this study.

⁶ See Note 4 *supra*.

LITERATURE REVIEW

It is essential to understand the basis and constitutionality of fair-representation and the difficult task of achieving it. Let's begin by clarifying that fair representation does not guarantee a litigant's "right to a jury that mirrors demographic composition of population".⁷ The Supreme Court of California cites that the litigant is constitutionally entitled to a "jury that is (a) near approximation of ideal cross section of community". In order to achieve an ideal or fair cross-section of community participation, courts must ensure two goals are met: the first goal is to make certain every eligible citizen is included in the master jury list and the second is to insure all segments or cognizable groups are represented. Failure to meet either of these objectives is a violation of the constitution's mandate of impartiality. Impartiality is achieved when fair cross-representation is accomplished.

Logic Behind the Law

In *Duren v Missouri*,⁸ the court established that three distinct elements must be satisfied to prove the violation of fair cross-representation. First, the group alleged to be excluded must be a distinctive and cognizable group (i.e. women, blacks, Hispanics, etc.). Second, the representation of this group in pools from which juries are selected is not fair and reasonable in relation to the number represented in the community. Third, the under-representation was due to systematic exclusion of the group in the jury selection process.

A proven method of ensuring there is no violation of fair cross-representation is for courts to implement Trial Court Performance Standard 3.2: Juries. The sole focus of Standard 3.2 of the Trial Court Performance Standard Implementation Manual (TCPSIM) is to set the guidelines for the proper management of juries. This standard parallels publications from the American Bar Association (ABA).⁹ The emphasis of Standards 3.2 is to ensure courts can

⁷ Williams v Superior Court, 49 Cal.3d 736, (1989), Westlaw.

⁸ Duren v Missouri, 439 U.S. 357 (1979).

⁹ ABA Principles for Juries and Jury Trials replaced Standards Relating to Juror User and Management in 2007.

provide fairness and equality by ensuring that no matter how a source list is compiled, it provides a representation of the qualified population of a county or jurisdiction. The standards on the management and use of jurors, adopted by most courts and by the ABA, emphasize preventing discrimination of cognizable groups. Standard 3.2 states it as: "...jury duty should not be denied or limited on the basis of any factor discriminating against a "cognizable group"."¹⁰

Within Standard 3.2 there are three measures that detail jury selection. Measure 3.2.1 addresses the creation of a source list. This measure ensures that the first prong of *Duren v Missouri*, preventing the exclusion of a distinctive group, is met. Measure 3.2.1 recommends that source lists be large in size and representative of the community, so as to include cognizable groups. Measure 3.2.2 focuses on the random selection procedures, thus ensuring that no systematic exclusions occur. Measure 3.2.3 focuses on the representativeness of the selected jury pool resolves for the second prong, which is ensures fair representation.

California Code

To ensure every eligible citizen is included and in alignment with Measure 3.2.1, California Code of Civil Procedures requires that each jurisdiction use a combined Master List comprised of the Registrar of Voters (ROV) and the Department of Motor Vehicles (DMV). Although each of these lists is the best single source list of each county, they lack total inclusiveness.¹¹

ROV List

The ROV list does an excellent job representing the elderly and the well-to-do. However, approximately one-third of the adult population tends to be excluded. This third is comprised primarily of minorities and young, unregistered voter (18-24 year olds).

¹⁰ Trial Court Performance Standards Implementation Manual, Standard 3.2: Juries, Bureau of Justice Assistance.

¹¹ See Note 4 *supra*.

DMV List

The DMV list does a better job representing the socio-economic scale, minorities and the young. It can, however under-represent seniors and women, since both of these groups tend to drive less than their counterparts. The California DMV list also includes the names of those with Identification Cards, thus lowering the level of under-representation.

Additional Lists

In California, much discussion and controversy has been had surrounding the expansion of the Master List. Adding names from Welfare Recipient lists, Property Tax lists, Census Data lists at first glance would appear to make the Master List more inclusive; however this can create more difficulties. One major difficulty is the duplication of names from one list to another. The more lists used, the more chances of the same name appearing in more than one list. Therefore, it violates the principles of random selection or more clearly stated “equal probability of selection”.

Duplicate Names Dilemma

Hiroshi Fukurai explains that the logistical problem that comes with combining two or more lists is the inability to eliminate duplicate names. Most jury management systems do a respectable job in reducing duplication. While the National Center for State Courts (NCSC) recommends that the proportion of unrecognized duplicate names not exceed five percent most commercial jury systems average between one and two percent. Although these percentages are small, the existence of duplicate names increases the chance of an individual being summoned for jury duty. Therefore, if certain groups are over-represented in an existing list, chances are they are over-represented in the other lists as well.

Facilitating Jury Service

In addition to the TCPS for Jury Management, courts nationwide have also opted to follow the legal practices set forth by the American Bar Association for the fair management of

juries. Principle 2 of the ABA publication for Juries and Jury Trials states that “citizens have the right to participate in jury service and their service should be facilitated”.¹² This Principle details the criteria under which eligibility is based. One of these eligibility requirements is the ability for prospective jurors to be able to communicate in English.

Fukurai goes on to point out that the requirement of language proficiency further eliminates a large proportion of otherwise eligible minorities, more specifically, Hispanics. As Hispanics become the largest growing population segment in the U.S., the number of eligible jurors that speak Spanish as their first language also increases. He points out the potential for possibly denying equal access to the fundamental right based on not speaking the English.¹³

New Mexico’s state Constitution protects the right of its citizens to serve on jury even if they lack the ability to speak, read or write English in Article VII, § 3.¹⁴ The initial thought might be to amend California’s Constitution to match New Mexico; however, it’s not that simple. Consideration must be given to the logistical and financial implications of providing interpreters to non-English-speaking jurors.

The number of Criminal and Civil jury trials that Orange County has averaged in the last five years is shown in Table 1: SCOC Jury Trials. This county alone averages over 1150 jury trials annually; whereas according to the NCSC estimates, state and federal courts conduct 150,000 jury trials per year. Therefore the number of trials in which non-English-speaking jurors would require interpreters could be financially devastating to any court. The burden would not end with providing Spanish-speaking interpreters. It would expand to providing interpreters for most any recognized language or dialect in which one or more juror lacked English proficiency.

¹² See Note 9 *supra*, page 7.

¹³ See Note 4 *supra*, page 81.

¹⁴ New Mexico State Constitution, Article VII, Subsection 3.

Table 1: SCOC Jury Trials			
Year	Criminal	Civil	Total
2004	845	326	1171
2005	840	287	1127
2006	903	263	1166
2007	974	276	1250
2008	913	237	1150
Average			1173

A Court's Responsibility

So how does a court ensure that the right to serve as a juror is facilitated? It steps up to its responsibility of adhering to the ABA's Principles for Juries.¹⁵ It begins with the proper administration of the jury system. It collects and analyzes information on the performance of its jury system in order to ensure three things:

1. The representativeness and inclusiveness of the jury source list;
2. The effectiveness of qualification and summoning procedure; and
3. The responsiveness of individual citizens to jury duty summonses.

This principle clearly places the responsibility of enforcing the right of jury by trial and jury participation on the courts.

Courts must also adhere to ABA's Principle 10 (Subdivision A, Subsection A.5) which calls upon jury officials to determine the specified qualifications of prospective jurors. Jury officials identify the qualifications by administering questionnaires or interviews. Those jurors that fail the eligibility requirements are disqualified from serving during the current summon cycle.

¹⁵ See Note 9 *supra*, page 25.

Importance of Fair Representation

To ensure the jury source list is inclusive and representative, courts must adhere to Principle 10, Subdivision A with its focus on the Juror source pool. The pool must be inclusive and representative with proportional percentages of the identified cognizable groups. The commentary to Principle 10 explains that the selection must be from “a fair cross section of the community is fundamental to the American system of justice.” *Taylor v. Louisiana*, 419 U.S. 522,530 (1975).¹⁶

In a another study, Fukurai noted: “The opportunity to participate in government through service as a grand or petit juror has been found to be of profound psychological importance to minority persons.”¹⁷ Additional studies point out that minority groups feel a sense of community and societal belonging when they are called as jurors. Therefore it is critical that potential deniability to this fundamental right be closely considered and monitored. The importance of representative juries cannot be more clearly defined than in Justice Marshall’s passage:

“When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable. It is not necessary to assume that the excluded group will consistently vote as a class in order to conclude, as we do, that its exclusion deprives the jury of a perspective on human events that may have unsuspected importance in any case that may be presented.”¹⁸

Therefore, the representativeness of the jury is dependent on the quality of the source data or Master List used for summoning. The Supreme Court of California in *People v*

¹⁶ See Note 9 *supra*, page 53.

¹⁷ Hiroshi Fukurai, **Where did Hispanic Jurors Go? Racial and Ethnic Disenfranchise in the Grand Jury and the Search for Justice**, *Western Criminology Review* 2(2), 2000 <http://wcr.sonoma.edu/v2n2/fukurai.html>, (dtd November 22,2008).

¹⁸ *Peter v Koff* (407 U.S. 493, 503-504 1972)

*Wheeler*¹⁹ stated “[o]bviously if that [source] list is not representative of a cross-section of the community, the process is constitutionally defective *ab initio*.”

Time and time again, a jury’s representativeness of a cross-section of the community is challenged. This was the occurrence in Michigan back in 2007, in which two cases challenged the racial composition of the juries that convicted them. Although the motions were denied, the court’s 2007 opinion mandated a change in the use of their suppression files.

Third Circuit Court of Michigan Opinion

On November 12, 2007 the Third Circuit published an opinion in response to two challenges filed on the basis of the racial makeup of their convicting juries.²⁰ Even though their motions were denied the court did acknowledge that they found the defendants had shown that the present racial make-up of the Wayne County Circuit Court was unacceptable. Although a small portion of the under-representation of African-Americans was attributed to systematic exclusions; the Court wanted to make it clear that it “will not be satisfied until both the reality and the perception of underrepresentation of African-Americans and other distinct minority groups are eliminated.”

The Opinion went on to identify two additional factors that were beyond the court’s control: the disproportionate Failure to Appear (FTA) rates and the under-representation of the DMV list. The Court recommended it cease using the suppression file of names of non-respondents. The opinion also recommended further studies on representativeness in Wayne County jury pools. One such study that is referenced in the opinion was done a year earlier by the National Center for State Courts on Jury System Assessment.

¹⁹ People v Wheeler CA 583 P.2d at 759

²⁰ Robinson and Jackson v Michigan, Third Circuit Court of Michigan Opinion, Nov 2007.

2006 Report of the Third Judicial Circuit of Michigan Jury System Assessment

The National Center for State Courts (NCSC) was contracted by the State Court Administrator's Office to assess the jury system for the Third Circuit Court in Wayne County, Michigan. The reason behind the requests was a concern that the jury pool was not reflective of the demographical makeup of Wayne County.²¹ NCSC's task was to examine the Third Circuit Court's process and to identify if there were legitimate reasons contributing to the disparity in minority representation in that county's jury pool.

An evaluation was conducted of the Third Circuit's Jury System as well as observations of the daily jury room operations. Interviews of judicial officers and court officials were conducted and data was gathered about the jury process for 2004 and 2005.

In an effort to better track the demographical makeup of jurors and in response to concerns of low representation of African-Americans, in 2004 the Third Circuit began to survey the reporting jurors. Race and ethnicity were among the statistics collected from these surveys. The survey gathered anonymous demographic information about the jury pool and was administered to the summoned juror upon arrival at the Michigan courthouse. The decision to administer the survey upon their arrival yielded higher response rates, in contrast to surveys administered at the end of jury service by other courts. The latter type of surveys yield poor rates primarily because jurors are more interested in leaving than in completing a survey.

SCOC conducts end-of-service type surveys on a regular basis and thus experiences a poor response rate. On the average only about three percent of the jurors that have completed their jury service take the time to return a completed survey, see Table 2: Exit Questionnaire.

²¹ Paula L. Hannaford-Agor and G. Thomas Munsterman, Third Judicial Circuit of Michigan Jury System Assessment, National Center for State Courts, 2006.

Table 2: Exit Questionnaire – Jurors Reporting to the Central Justice Center			
Month	Summoned Jurors²²	Surveys Received	% Received
May 2008	7,052	133	1.9%
June 2008	6,516	248	3.8%
July 2008	7,673	312	4.1%
August 2008	5,887	152	2.6%
September 2008	7,623	241	3.2%
October 2008	7,826	189	2.4%
TOTAL	42,577	1,275	3.0%

Table 2 above shows that over a six-month period, the number of responses to the Exit Questionnaire given to jurors at the end of their service was extremely low. The table clearly shows the disparity in the number of jurors summoned in comparison to the number that actually take the time to complete an exit questionnaire.

Jury Selection Process

The primary goal of any Jury Administrator should be to ensure the Jury Selection process is fair and efficient. Ensuring that suppression files are not used and that disqualifications and/or excuses are uniquely handled is essential for the proper administration of any system. In an effort to ensure that SCOC is diligently administering its jury system, it is important to examine and understand how the computerized summon system works.

SCOC Jury Process

SCOC's jury management process utilizes an automated Jury Management System (JMS). The JMS consists of Master List of prospective jurors. The names on this list are never deleted; instead, they are updated as information is received throughout the year. Information is

²² A summoned juror that responded to the summons stating they would serve as well as jurors that were brought in (called in) to serve on that period.

received via official government listings as well as by mail, phone calls to the jury department and even prospective juror and/or family member walk-ins. The government listings consist of:

- Orange County's Registrar of Voters (ROV): List of registered voters
- California's Department of Motor Vehicles (DMV): List of vehicle driver's licenses and state identification cards issued
- Orange County's Health Care Agency (HCA): List of Death Certificates issued
- U.S. Post Office: List of National Change of Address (NCOA)

Semi-annually the names received from the afore-mentioned agencies are used to verify, update or enhance the Master List. New names drawn from the ROV and DMV lists are added to the Master List and information from the other lists is used to update the Master List. The use of a combined list is in accordance with Principle 10, Subdivision A, Subsection A.1, which is further proved to be a tested method by the writings of Paula L. Hannaford-Agor and G. Thomas Munsterman of the National Center for State Courts in the "The Promise and Challenges of Jury System Technology", Ch. 2 (2003).²³

Upon verification and confirmation, qualified records are inserted and/or existing records are updated. Minimum age qualification is ensured by rejecting new names from the DMV list when the individual is not 18 or older. Permanent disqualifications are recorded for deceased individuals whose name appeared on the HCA list. Temporary disqualifications are recorded for names of individuals on the NCOA list whose new address falls outside county lines. The disqualification is tagged as temporary should the individual ever move back within county lines.

Additional verifications take place as part of the semi-annual update of the JMS. This is to ensure the Master List does not get updated with duplicate records that may have appeared in both the ROV and DMV lists. It ensures that the address of a new prospective juror is within county lines by verifying the zip-code, city and street address does indeed fall within Orange County.

²³ See Note 9 *supra*, page 55.

The Master List has 2,073,494 eligible jurors. When comparing this to the number of residents over 18 living in the county 2,997,033²⁴, it equates to an inclusiveness of 69%. The JMS takes precautions to prevent exclusion of individuals. The two million names in the eligible list are never deleted, only updated with current status of eligibility. For example, a currently summoned juror that claims he or she is not a citizen will be temporarily excused. Names continue to be added to the list as new names are received from the top two aforementioned lists (ROV and DMV).

As detailed as the JMS is in retaining information on the two million names in its Master List, it must be noted, the system does not track the ethnic or racial makeup of any qualified, disqualified or excused juror. Therefore, it is impossible to conclude if any group (in particular Hispanics) is under-represented.

²⁴ 2007 Population Estimates, U.S. Census Data Bureau, at: <http://www.census.gov/states/> (dtd December 5, 2008)

METHODS

Initial research began on identifying the current demographic makeup of California and of Orange County. The objective was to obtain the racial and ethnic percentages of these two areas. The research then moved to evaluating existing survey data that was already being collected by the court's Jury Services group. Although the survey data currently being collected with the Exit Questionnaire does include some demographical information such as age and sex, it does not include information on the juror's race or ethnicity.

Study Questionnaire

The next step in this study was to design and conduct a survey that would produce the information desired. Although surveys were conducted on four different days, the number of voluntarily completed surveys was extremely low in comparison to the number of jurors that were summoned on the days the survey was conducted. On average over 500 jurors showed up for jury service each of the survey days, yet the best survey day yielded only 58 completed surveys. Although over 500 jurors may have been present on a given day, a large portion of them were not available when the survey was administered (i.e., jurors excused earlier in the day, impanel jurors, etc.). A total of 158 surveys were gathered equating to about eight percent of those serving. It was clear that the data gleaned from these four days was not sufficient to reach empirical and conclusive findings. Table 3: Number of Surveys Received shows the breakdown of surveys gathered on each of the days the survey was administered.

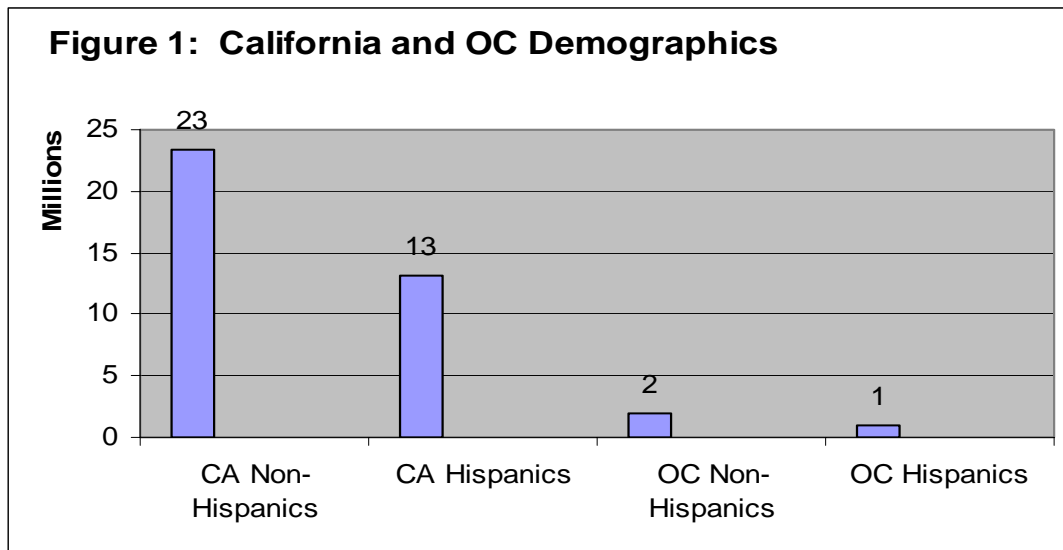
Table 3: Number of Surveys Received			
Day	Jurors Present	Number of Surveys	% Received
1	452	58	12.8%
2	676	25	3.7%
3	518	43	8.3%
4	444	32	7.2%
TOTAL	2,090	158	7.6%

Demographical Information

Next was the task of determining the demographical composition of the county, to establish the starting base. Consideration needs to be given to the fact that only a certain percentage of the population is jury-eligible. For instance only adults over 18 years of age are eligible and then only a sub-group of them will actually be qualified.

California Demographics

California has always had a racially and ethnically diverse population. Whether attributable to its sea-ports alongside its large costal line, its adjacent border with Mexico or the diversity of its early settlers, its Hispanic population is amongst the highest in the United States. Statistical information obtained from census population estimates showed California's Hispanic population during 2007, comprised 36% of the states total population.²⁵ See Figure 1: California and OC Demographics.



Orange County's estimated population for 2007 is 2,997,033²⁶ which equates to approximately 8.2% of the total California population. Of the nearly three million residents, 33% are reported to be of Hispanic ethnicity. According to the U.S. Census Bureau's statistics

²⁵ See Note 24 supra, at: <https://www.census.gov/popest/race.html>.

²⁶ Loc. Cit.

for 2007, of the one million Hispanics in Orange County, approximately 13.1% are eligible for jury service. Therefore, approximately 130,742 Hispanic residents are adult citizens that speak and understand English.

Survey Objective

Surveys were conducted of summoned jurors on four different occasions. Jurors were asked to participate strictly on a voluntary basis. The purpose of the survey was to identify the following:

1. Is there fair Hispanic representation in SCOC's jury makeup?
2. Is there a general sense of fairness by Hispanics in the way the jury process is run?
3. Do Hispanic jurors believe there is a need to serve on jury duty?

Survey Design

The survey consisted of twenty questions, broken into five sections, with three to five questions in each section (see Appendix B; Study's Survey). The first section asked the demographic make-up of the survey taker such as age, race, ethnicity, years living in U.S and how well they spoke English. The demographical-type questions were intended to determine if question #1 above could be answered. The purpose of inquiring about the number of years living in the U.S. was to determine if individuals raised in an American school system and/or those that had spent the majority of their life in the U.S. believed the jury process was more or less fair.

Section two consisted of how the juror perceived the Summons Process. Section three was only answered if the juror participated in the courtroom's panel selection process. Once again, the objective was to find out if they found this portion of the process fair. The fourth section was the In-Panel Process. Did the participant think this process was efficient and fair?

The fifth and last section was the Overall Experience. The objective in this section was to gain an understanding of whether they perceived the entire process is important and fair or if it's an inconvenient waste of time that should no longer be practiced. The goal was to identify if

similarities would be found amongst all groups or if certain races or ethnic groups felt differently about the overall process; thus, answering the third question (...is there a need to serve on jury duty?).

Surveys were conducted on four different days. Getting participants was difficult since it was done as the jurors had been excused and their service met. The majority of the jurors were more interested in leaving than giving up the three to five minutes it took to complete a survey. 158 jurors were kind enough to participate in the survey.

Administering the Survey

Over the span of four days, surveys were conducted in the larger jury assembly room of the court, located at the Central Justice Center in Santa Ana, CA. It was difficult to encourage jurors to take the few minutes to complete the survey. The author had received permission to collect survey information for a one-week period and only in the jury assembly room. The option of handing out surveys in the morning and collecting them at the end of the day was discouraged. Staff was concerned that surveys would end up in courtrooms where representing attorneys would surmise additional demographic information was being gathered and stored by the court.

On day one, jurors were told of the survey just before being excused. Jurors were handed a copy of the survey as they lined up to receive their proof of service. On day two, jurors were again informed of the survey; this time, they were asked to stop by a counter window to pick-up a copy of the survey. Day two resulted in less than half the number of surveys as collected in day one; even though there were more jurors present in the assembly room. During day three and four the same method as on day one was used, to encourage a higher response rate.

Finally, the data was entered into an Excel spreadsheet where trends could be identified and charts created. A numeric value was given to each question to facilitate averages. The charts created were then incorporated into this study and findings were presented.

FINDINGS

At the start of this study, the findings were anticipated to prove if the objectives of the survey were met and to prove or disprove that Hispanic representation is representative of the community. It would disclose if a general sense of fairness with the jury process is shared by Hispanics. Lastly, it would show if Hispanics believe there is a need to serve on jury duty. A disclaimer must be made. The data gathered is not significant enough to lend credibility to the findings. It is however, meant to bring attention to the difficulties experienced when gathering this type of data.

Data from Surveys Collected

Of the 158 surveys received the age breakdown is shown in Table 4: Age Group Breakdown. The age group with the highest percentage (27%) is the younger 18-30 year old jurors. This finding was later explained by jury staff as more than likely being college-student jurors that had been excused earlier in the year and had opted to serve during their winter-break.

Age Group	Percentage
18 – 30 year olds	27%
31 – 40 year olds	18%
41 – 50 year olds	19%
51 – 60 year olds	24%
61 and older	12%

Racial Makeup of Orange County

Part of Orange County's diversity comes from the 20% of racial minorities represented within its population. The largest minority race is the Asian community which makes up 16% of its total population. See Table 5: Orange County's Racial Make-up. Yet a larger percent of its diversity comes from the Hispanic population. They make up a third of its entire population.

This report’s intended focus was not on the 33% of Hispanics living in Orange County but on the percentage of Jury-eligible Hispanics that participate in jury service.

Table 5: Orange County’s Racial Make-up		
Race	No of People	Percentage
White	2,356,503	78.6%
Asian	483,295	16.0%
Black	58,523	2.0%
America Indian	25,012	1.0%
Native Hawaiian	10,901	0.4%
2 or more races	62,799	2.0%

Hispanic or Not

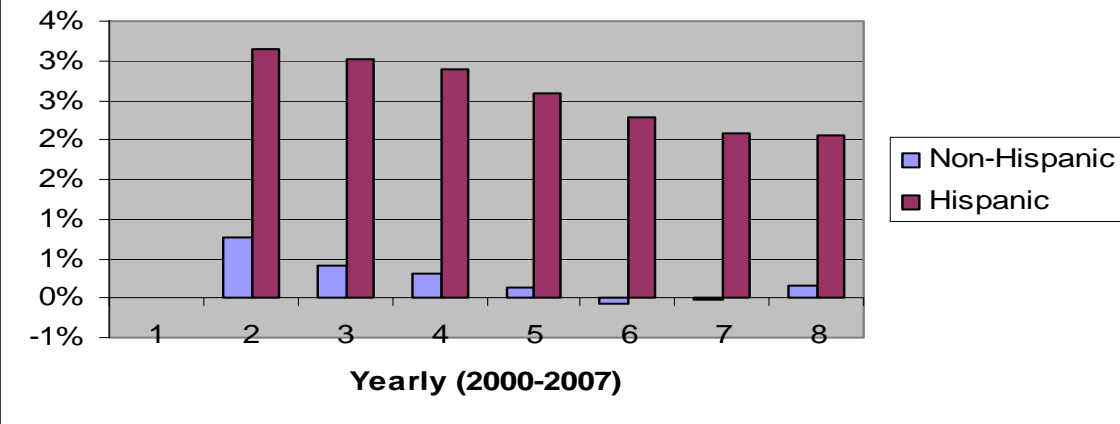
Hispanic ethnicity is not the same as racial makeup. A Hispanic person can categorize him/herself as being of any race and still be Hispanic.²⁷ Therefore it was essential to separate the ethnicity question from the race question. Careful consideration must be given on whether the category “other” should be used when describing race. There are many individuals that still believe the Hispanic ethnicity is a type of race. These individuals chose to either leave the race section blank or selected “Other” and wrote in the word Hispanic and/or Latino.

Tracking Ethnicity

It is imperative that ethnic makeup of the summoned and serving jurors be tracked, given the fact that Hispanics are the fastest growing cognizant group in California. The chart below, Figure 2: California Population Growth, shows the steady Hispanic population growth pattern when compared to non-Hispanics.

²⁷ U.S. Census Bureau Guidance on the Presentation and Comparison of Race and Hispanic Origin Data, at: <http://www.census.gov/popest/race.html> (dtd December 5, 2008).

Figure 2: California Population Growth



As for the racial makeup of the jurors surveyed, 12 opted not to answer the race question, yet they did answer the ethnicity question as being Hispanic. One possible explanation may be that these individuals categorize the word Hispanic to mean race and not ethnicity. The most surprising number was the 36% of respondents that opted not to answer the ethnicity question, but yet they answered the race question. Several assumptions could be made here.

1. The individual does not want to be associated with an ethnic group.
2. The person considers race and ethnicity as one.
3. The person didn't understand the question.

For those that did answer the race and ethnicity questions, White was the largest combined group with 65% of the 158 surveyed. The Asian group was second with 17%, Other came in at eight percent and Blacks were the smallest group with two percent. See Table 6: Racial & Ethnic Make-up of Survey Takers, below.

Race	No Ethnicity	%	Hispanic	%	Not Hispanic	%
White/Caucasian	35	22.2	9	5.7	59	37.3
Asian	15	9.5	0	-	12	7.6
Black / African-American	3	1.9	0	-	1	0.6
Other	3	1.9	6	3.8	2	1.2
American Indian / Alaskan Native	0	-	0	-	0	-
No Race Selected	0	-	12	7.6	0	-
TOTAL	57	36.1	27	17.1	74	46.8

Ethnic Makeup

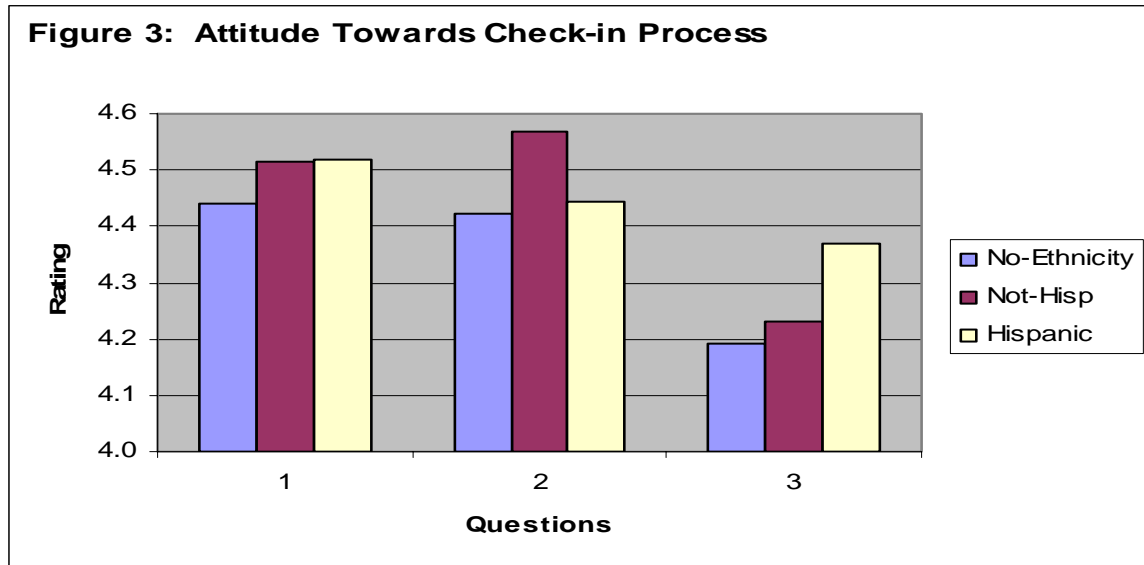
In response to the ethnicity identity, 36% opted not to answer the question. Of those that did answer the question, 47% rated themselves as Not-Hispanic and only 17% identified themselves as Hispanic. This particular finding provided a big “a-ha” moment. This means that measures will have to be taken in future demographical surveys to ensure survey takers understand the importance of each question and refrain from leaving critical questions blank, otherwise there is a risk of under-representation in the ethnicity category by over 30%.

The remaining survey breakdown will focus on three groupings: those surveys in which the survey taker has no ethnicity selected, the group that selected non-Hispanic and lastly, the group that selected Hispanic.

Attitude Towards Jury Duty

The non-demographical information gathered from the surveys was focused on the attitudes of jurors towards the Jury Process. The first set of questions was geared towards the Summons Process: was the process easy, the staff pleasant and the orientation helpful? The questions were phrased in a positive way and the juror was asked to agree or disagree with the statement. The 1-to-5 Likert Scaling Method was used to rate the responses; where 1 represented

“strongly disagree” and 5 represented “strongly agree”. The chart below, Figure 3: Attitude Towards Check-in Process, shows the average response by grouping to be above four. Thus agreeing that the check-in and summons process was easy, pleasant and helpful.



The ratings received for the middle set of questions were not as significant since the majority of the survey takers did not participate in the Courtroom Process or the In-Paneling Process. In some instances the jurors haphazardly completed these sections answering some questions and skipping others.

Lessons Learned

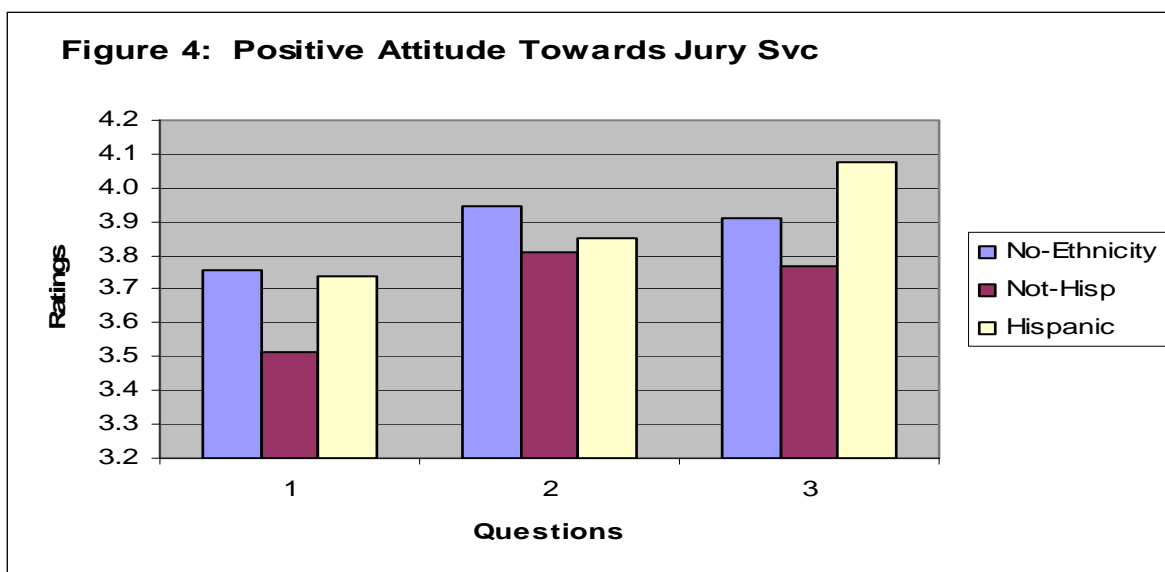
As shown in the Michigan Assessment study, surveys administered to the summoned juror walking into the courthouse glean the best results. The minimal data gathered from the 158 surveys administered for this study was too weak to baseline any significant findings upon it.

The percentage of surveys gathered during this study was slightly higher than the surveys administered regularly by the court as part of the Juror Exit Questionnaire. See Table 2. Although the total number received was not sufficient to reach definitive overall conclusions, it was enough to make some assumptions and practical recommendations. For instance, jurors prefer short, concise surveys. In addition, it is essential that the administering body of the survey

monitor the return of the surveys issued. Finally, it is best to survey jurors upon their arrival, as proven by the Michigan Assessment.²⁸

Juror’s Overall Experience

This section was divided into two groups of questions. The first being the positively phrased questions regarding attitude towards Jury Duty: It is a fair process, it is an important civic duty and it is an important part of the judicial process. Unlike the average 4.2 responses in the Summons Process, Figure 4 shows the average for this section was between 3.5 and 4.1. The overall response was between Neutral and Agree (closer to Agree). All groups stayed rather consistent in their responses.



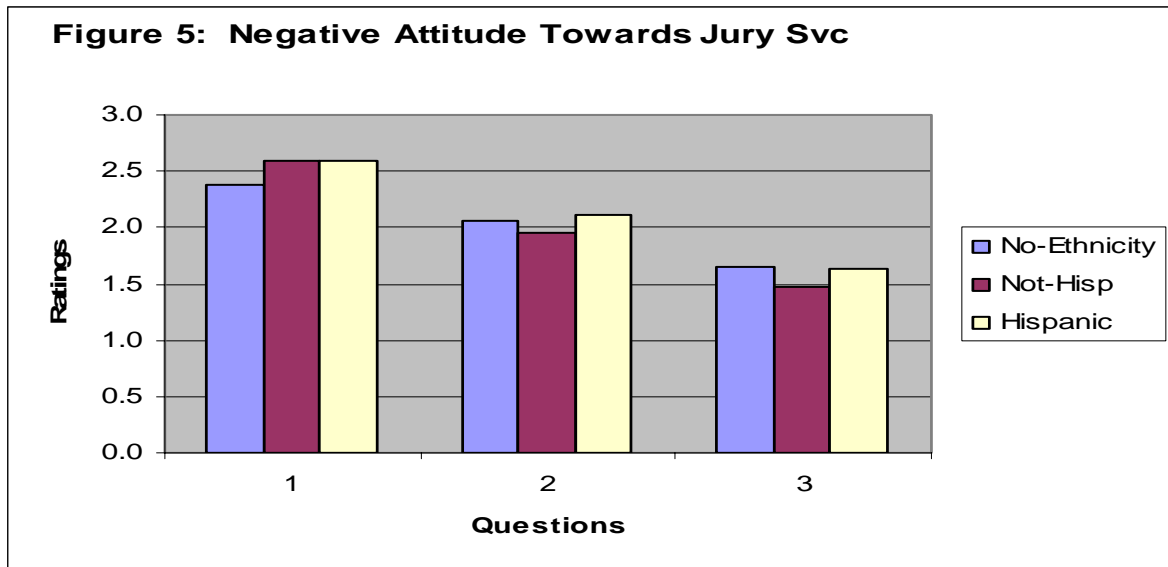
What is more important to observe is that the last positively-phrased question “To be heard by a jury of peers is an important part of a fair judicial process”, Hispanic attitude was higher than the other two groupings. This shows that true to Fukurai’s findings, minorities believe the jury process is of profound importance²⁹.

The second set of questions in the Overall Experience section, were the Negative Attitude group. These questions were phrased in a negative form to make sure that the juror was aware of

²⁸ See Note 20 *supra*.

²⁹ See Note 17 *supra*.

what was being asked. The questions made statements about the inconvenience of jury duty, the waste of time and whether jurors should no longer be used in the judicial process. It was refreshing to see that these jurors were indeed aware of what was being asked and that in general they disagreed with these statements. Figure 5 shows the response by each group of jurors to these Negative statements



Overall Findings

Overall the findings reached after examining the available data were that Hispanic representation is inclusive. When comparing the 13.1% of eligible Hispanic jurors gleaned from the U.S. Census information and the 17.1% that participated in the survey, the group has a high degree of inclusiveness. Again it must be stated that the data collected is not sufficient to provide any degree of accuracy.

CONCLUSIONS AND RECOMMENDATIONS

Introduction

As stated earlier the study's initial goal was to demonstrate if indeed there was a gap between the number of Hispanic jurors serving in SCOC and the number of eligible Hispanic jurors living in the county. That question cannot be answered at this time because of insufficient data gathered by the author as well as the lack of demographical information of the jury pool. Nonetheless, valuable information was learned; for instance minorities get a sense of community and a sense of belonging when participating in the jury process.

SCOC must ensure jury representation is inclusive and representative of the county's diverse community. It must also guarantee that fair cross-representation abides with the guidelines that the Federal and the State Constitution protect. Consequently, conclusions and recommendations presented herewith focus on the two aspects of the study. One aspect is the importance of gathering demographic information; the second being the importance of nurturing civic mindedness.

CONCLUSION #1: Available Data is Inadequate

SCOC is not able to conclusively determine if any race or ethnic group is adequately represented in the jury service process. It is therefore impossible to determine if Hispanics - the largest growing minority group - is under-represented. The current policy of not collecting race and ethnicity data is primarily based on the fear of potential jury challenges. In the long run, the risk of an increase in challenges must be balanced with factual and complete data. As stated by Mr. Carlson earlier, it is better to know than not know. The author would like to emphasize that it is of the utmost importance to collect and store demographical information which includes race and ethnicity of jury participants

RECOMMENDATION #1: Initiate an Awareness Campaign

Initiate an awareness campaign within the court that addresses the importance of knowing the demographic make-up of SCOC's jury pool. Begin by sharing the court's mission which is to be representative of its diverse community; as well as sharing the current state and county demographic make-up of its citizens. Information should be shared at judicial-committee panel meetings, judicial retreats, executive and departmental status meetings as well as in the quarterly published newsletters. It is essential that court officers (judges and administrators) as well as all supporting staff in the courtroom and in jury services understand why gathering this data is critical.

CONCLUSION #2: The Current Jury Summons Affidavit Questionnaire is Inadequate

The current Jury Summons Affidavit Questionnaire section (see Appendix C) does not query on race or ethnic demographic-type questions. In addition, current reporting generated from the Jury Management System also lacks this demographic information. Modifications to both entities are required. Although said modification to the Questionnaire would impose a cost to the court; it is expected to be a modest one-time expense. The largest expense might likely come from the possible changes and necessary upgrades to the JMS system that would now need to store these additional demographic fields as well as have the ability to provide reports on it.

RECOMMENDATION #2: Improve the Affidavit Questionnaire

Conduct an in-house evaluation of the necessary changes to the Affidavit Questionnaire and the JMS systems to determine the overall cost and time required for implementing these changes. Present the findings to the Judicial and Executive Committees for funding and approval to proceed with incorporating the identified changes. Modify the existing Juror Affidavit Questionnaire to include questions on race and ethnicity. Modify the JMS system to store and report on demographic make-up of jurors participating in the jury process; from summons to completion of service.

CONCLUSION #3: Optional Voter Registration Fields Create Challenges to Study of Jury Representativeness

The Voter Registration form that is approved by the State of California and is used by all counties throughout the state has an optional box that is used to identify the ethnic background of the registered voter.³⁰ Since the disclosure of this information is optional, data is not widely available only. However, any data provided can be used as a starting point build upon and validate against. Although, additional information provided by the Registrar of Voters (ROV) list may necessitate an update to the JMS system to incorporate the new fields of information; modifications to the JMS have been covered in Conclusion #2.

RECOMMENDATION #3: Obtain and Store Additional Registrar of Voters (ROV) Data

SCOC needs to request that this additional data be included with the regular Registration of Voter ROV listings received and used to update the Master List. Updates to the JMS system must be made to accommodate new data (refer to Recommendation #2 for specifics).

CONCLUSION #4: Sharing Demographic Data Promotes Adherence to Court Performance Standards

The best measure for knowing if Court Performance Standard 3.2 is being met is by supporting it with accurate and conclusive data. Data collected is useless unless it is shared. Statistical information based on accurate data is a very valuable tool. This tool can be used to justify necessary changes, obtain potential funding and promote adherence to Court Performance Standards. It is essential that as the data begins to be collected, that it also be shared with judicial and administrative staff.

³⁰ Guide to Voter Registration in California, Secretary of State Office, 2006.

RECOMMENDATION #4: Modify Monthly Juror Statistical Reports

Prepare or modify existing monthly reports to now display the demographic make-up of the jurors participating in the jury process. These reports must be shared with Judicial Officers and Court Administration staff so that knowledge of current representation is known.

CONCLUSION #5: Hispanics Place High Value on Judicial Process

The survey sampling information obtained from this study pointed out the positive value that Hispanics place on jurors participating in the judicial process. It reaffirmed the findings that Fukurai³¹ pointed out in regards to minorities placing a profound importance on jury service. It is essential that this court nourish and embrace this belief by encouraging more minorities, in particular Hispanics, to participate in the jury service process.

RECOMMENDATION #5: Reach Out to Hispanic Community Groups

There are several organizations that specialize in reaching the Hispanic community. SCOC should partner with these organizations to update the community on the importance and value of jury duty. These organizations are great places to disseminate such information as:

- Ability to get a postponement to a more desirable date (i.e., summer or winter break)
- One-day-one-trial service period
- No prior jury experience required
- No need to speak perfect English

Groups like the Mexican America Opportunity Foundation (MAOF) which has an office in Orange County, as well as the League of United Latin American Citizens (LULAC). The largest of this type of organizations is the National Council of La Raza (NCLR), which is the largest national Latino civil rights and advocacy organization in the United States. NCLR has affiliated organizations located in Santa Ana (the same city as the County's seat). These affiliates are the Delhi Community Center and the Neighborhood Housing Services of Orange County, Inc.

³¹ See Note 17 *supra*.

CONCLUSION #6: Jurors Find the Jury Experience to be Rewarding

Another conclusion reached by the sample surveys is the fact that overall jurors that participate in the jury process find the experience rewarding. They believe the process and their treatment is fair. As such, it is critical that these positive attitudes and experiences be shared with prospective jurors; young and old. Who better than a juror, that has just finished serving, to tell you what a valuable experience it was.

RECOMMENDATION #6: Obtain Juror Testimonials and Share Them with the Local Community

These jurors need to be asked if they are willing to participate in a 30-second public information recording in which they speak of their positive experience as a juror. They can speak of what having a fair jury process means to them. These testimonials can then be shared with local organizations as well as schools: These organizations and schools will allow access to different age groups from retired potential jurors to young future jurors. Some of the organizations to include are: Senior Citizen Centers, Church groups, local YMCA's, Boys & Girls' Club. As for schools, the court must reach out to all lower and upper grade schools from within the county line.

Another place to share these testimonials is at local city events. Local cities occasionally host or sponsor community events that attract a large number of residents. Events such as fairs, open markets, parades, picnics, health clinics, etc. are great places to encourage civic-mindedness. SCOC needs to offer up printed material, speakers or pre-recorded messages that can be shared at these events.

In addition to the preceding forums, information can also be aired with the local media. In recent years there has been an explosion of local foreign-speaking media. These media outlets are by radio, TV, printed and even cyber communication (ie. chat groups, pod-casts, etc.). Although paying for advertisement in each of the necessary venues is costly, other options are

available. Most of these entities offer Public Service Announcement options that can be explored. Several of them are considered public radio/television/newspapers, thus making it even more appealing to ask that they provide a spot for monthly presentations.

Closing Remarks

Research carried out during this project showed that although the representation of Hispanic in the jury service process may appear to be inclusive, the data is inconclusive. Superior Court of Orange County (SCOC) needs to declare the importance of accurately knowing the answer. The basic premise behind fair cross-section representation in jury trials is the ability to ensure all groups are represented and to ensure no cognizable group or individual is systematically suppressed. Without accurate and conclusive data, it is impossible to prove or disprove the perception or appearance of non-inclusiveness.

SCOC must consider changing its current policy of not tracking the race and ethnicity of summoned jurors. Knowing the true representation of the community and its cognizant groups must out-weigh the fear of an increase in jury challenges.

Earlier in this study, it was stated and shown that minority persons believe that participation in jury service is of profound importance. It provides them with a sense of community and a sense of belonging. These attitudes are shared by all groups in a community. It is therefore essential that true inclusiveness in the jury process occurs at all times. This court must safeguard that no intentional or accidental exclusions occur. SCOC must insure it is meeting its mission of being truly representative of the county's diverse community.

Appendix A: Exit Questionnaire



ALAN SLATER
CHIEF EXECUTIVE OFFICER

Appendix A Superior Court of California County of Orange

700 CIVIC CENTER DRIVE WEST
P.O. BOX 1970
SANTA ANA, CA 92702-1970
PHONE: (714) 834-4692
FAX: (714) 834-5594

Dear Juror:

Thank you for serving as a juror in the Superior Courts of Orange County.

We know that jury service is often difficult, demanding and sometimes inconvenient. As a juror, you are required to display patience, open-mindedness and common sense. Ultimately, the ability of each juror to bring these and other important qualities to bear on their jury service is essential to our democratic system.

In view of the importance of the jury service you are performing, I would appreciate your taking a few thoughtful minutes to complete the attached Jury Service Exit Questionnaire form. Your input will be used to evaluate our jury program and improve service to future jurors as well as the Court. Please return the survey form at the end of your jury service. You may either turn the completed form into the Office of the Jury Commissioner or, if you prefer, mail it to the Office of the Jury Commissioner, P. O. Box 1970, Santa Ana, CA 92702.

You are entitled to feel a sense of pride and accomplishment in the jury service you are completing. It is well deserved. On behalf of all the Judges of the Superior Court, I want you to know that your contribution is greatly appreciated by those of us in government responsible for the administration of justice.

Very truly yours,













Alan Slater
Chief Executive Officer
Jury Commissioner









Appendix A





Jury Service Exit Questionnaire

Your answers to the following questions will help improve jury services. All responses are voluntary & confidential

You may return your completed form to your Jury Office or mail it to:
Office of the Jury Commissioner, P.O. Box 1970, Santa Ana, CA 92702

<p>How many days did you report to the courthouse?</p> <p> <input type="checkbox"/> 1</p> <p> <input type="checkbox"/> 2</p> <p> <input type="checkbox"/> 3</p> <p> <input type="checkbox"/> 4 or more</p>	<p>What percent of your time was spent waiting in the jury waiting room?</p> <p> <input type="checkbox"/> 0 - 25 %</p> <p> <input type="checkbox"/> 25 - 50 %</p> <p> <input type="checkbox"/> 50 - 75 %</p> <p> <input type="checkbox"/> 75 - 100 %</p>	<p>How many times were you chosen to report to a courtroom for jury selection ?</p> <p> <input type="checkbox"/> 0</p> <p> <input type="checkbox"/> 1</p> <p> <input type="checkbox"/> 2</p> <p> <input type="checkbox"/> 3 or more</p>
--	--	---

<p>How many times were you already sworn as a trial juror ?</p> <p> <input type="checkbox"/> 0</p> <p> <input type="checkbox"/> 1</p> <p> <input type="checkbox"/> 2</p> <p> <input type="checkbox"/> 3 or more</p>	<p>How many times have you already served on jury duty?</p> <p> <input type="checkbox"/> 0</p> <p> <input type="checkbox"/> 1</p> <p> <input type="checkbox"/> 2</p> <p> <input type="checkbox"/> 3 or more</p>
--	--


<p>What is your impression of jury service after serving?</p>	
The same as before - favorable	 <input type="checkbox"/>
The same as before - unfavorable	 <input type="checkbox"/>
More favorable than before	 <input type="checkbox"/>
Less favorable than before	 <input type="checkbox"/>


Office use only
























Appendix A

Did you lose income as a result of jury service ?

Yes  How much ? _____

No 

How would you rate the following factors ? (Please answer all)

	Good		Adequate		Poor	
Scheduling of your time	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Physical comforts	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Initial orientation	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Eating facilities	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Personal safety	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Parking facilities	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	
Treatment by court personnel	 <input type="checkbox"/>		 <input type="checkbox"/>		 <input type="checkbox"/>	

Age:						Sex:	
 <input type="checkbox"/>	18 - 22	 <input type="checkbox"/>	38 - 42	 <input type="checkbox"/>	58 - 62	 <input type="checkbox"/>	
 <input type="checkbox"/>	23 - 27	 <input type="checkbox"/>	43 - 47	 <input type="checkbox"/>	63 - 67	 <input type="checkbox"/>	Female
 <input type="checkbox"/>	28 - 32	 <input type="checkbox"/>	48 - 52	 <input type="checkbox"/>	68 - 72	 <input type="checkbox"/>	
 <input type="checkbox"/>	33 - 37	 <input type="checkbox"/>	53 - 57	 <input type="checkbox"/>	Over 73	 <input type="checkbox"/>	Male

In which ways do you think jury service can be improved ?

Date: _____

Appendix B: Study Survey

National Center for State Courts - Court Executive Development Program (CEDP)

Thank you for participating in this survey. This survey is voluntary and confidential and will have no impact on your likelihood of selection or future summons. Your responses will be used to help understand citizen attitudes toward jury service. They will be incorporated into a thesis that I am writing as a project with the National Center for State Courts. There is no affiliation between this survey and this court. I appreciate your honest and candid remarks.

*Rosa Holdeman
CEDP Candidate*

Section 1 - Demographical Information

- a. Age 18-30 31-40 41-50 51-60 60+
- b. Race White/Caucasian Black/African-American Asian
 American Indian/Alaskan Native Other (Please Specify) _____
- c. Ethnicity Hispanic / Latin American Not Hispanic / Latin American
- d. I have lived in the US Less than 10 yrs 10-20 yrs 21-30 yrs Over 30 yrs Entire Life
- e. I speak English Extremely Well Very Well Almost well Not very well

Please respond to the statement in each section by circling the response that best describes your attitude towards the statement.

Section 2 - SUMMONS PROCESS	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
a. The Jury check-in process was easy.	1	2	3	4	5
b. The Jury staff was helpful and pleasant.	1	2	3	4	5
c. The initial Jury Orientation was helpful.	1	2	3	4	5

(turn over)

If your panel was sent to a courtroom, please continue to Section 3. If you did not go to any courtroom, please skip to Section 5.

Section 3 – COURTROOM PROCESS	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
a. The wait periods were acceptable.	1	2	3	4	5
b. Courtroom staff was helpful and pleasant.	1	2	3	4	5
c. Courtroom Orientation was helpful and beneficial.	1	2	3	4	5

If you were seated as a juror, please continue to Section 4. If you did not get seated as a juror, please skip to Section 5.

Section 4 - PANEL SERVICE	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
a. The jury-panel selection process was efficient.	1	2	3	4	5
b. The jury-panel selection process was fair.	1	2	3	4	5
c. I understood my role as a jury-panel member.	1	2	3	4	5

Section 5 - OVERALL EXPERIENCE	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
a. The jury service process is fair.	1	2	3	4	5
b. Jury duty is an important civic duty.	1	2	3	4	5
c. To be heard by a jury of peers is an important part of a fair judicial process.	1	2	3	4	5
d. I consider jury duty to be an inconvenience.	1	2	3	4	5
e. I consider jury duty to be a waste of time.	1	2	3	4	5
f. Jurors should no longer be used in the judicial process.	1	2	3	4	5

Thank you very much for taking the time to complete this survey.

Appendix C: Juror Affidavit Questionnaire

JUROR AFFIDAVIT QUESTIONNAIRE

COMPLETE BOTH SIDES AND SIGN ON BACK OF FORM

DATE: _____
JUROR ID #
(9-Digit Number): _____
NAME: _____

NEW NAME/ADDRESS: _____ _____

MARITAL STATUS:

Married Single Widowed Divorced Separated Domestic Partnership

EMPLOYMENT STATUS:

Employed Retired Unemployed Government/Public Employee

OCCUPATION: _____ HOME PHONE: _____

EMPLOYER: _____ BUS PHONE: _____ EXT: _____

SPOUSE/DOMESTIC
PARTNER'S OCCUPATION: _____

SPOUSE/DOMESTIC
PARTNER'S EMPLOYER: _____

NUMBER OF DAYS YOUR EMPLOYER PAYS DURING JURY DUTY:

0 1-5 6-10 11-20 21+

YEARS IN USA: _____ YOUR AGE: _____ PRIOR JURY SERVICE YEAR: _____ STATE: _____

NO OF CHILDREN: _____

JUROR AFFADAVIT QUESTIONNAIRE

DISQUALIFICATION/QUALIFICATION

In accordance with California Code of Civil Procedure (CCP) section 203(a), all persons are eligible and qualified to serve as prospective trial jurors, except the following:

I do not qualify to serve as a prospective trial juror because I:

- A. AM NOT A CITIZEN of the United States. I am a citizen of
B. AM UNDER 18 YEARS OF AGE.
C. AM NOT A RESIDENT OF ORANGE COUNTY. (Indicate address in name/address correction section)
D. DO NOT HAVE SUFFICIENT KNOWLEDGE OF THE ENGLISH LANGUAGE to act as a juror. (May be deemed qualified if U.S. citizen.)
E. HAVE BEEN CONVICTED OF A FELONY OR MALFEASANCE IN OFFICE AND (MY RIGHTS HAVE NOT BEEN RESTORED.)
F. AM CURRENTLY SERVING OR WILL BE SERVING AS A GRAND JUROR TRIAL JUROR
G. AM SUBJECT OF CONSERVATORSHIP. My conservator is
I DO NOT MEET ANY OF THE DISQUALIFICATION CRITERIA AND AM QUALIFIED TO SERVE AS A JUROR.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT (California CCP section 2015.5)

SIGNATURE:

DATE AND PLACE:

Revised: Sept 16, 2008, Form # 1169

REQUEST FOR EXCUSE

The Court cannot grant your request to be excused unless you provide adequate written documentation of your hardship. If you need more space, please attach additional sheets of paper.

H. I have a PHYSICAL OR MENTAL DISABILITY or impairment exposing me to undue risk or physical or mental harm if required to serve. This disability is not temporary. A doctor's verification of my condition is attached. Verification is not required for persons over 70 years of age.

Explain:

I. I have a personal obligation to provide actual and necessary CARE TO ANOTHER. Alternative arrangements are not feasible as the person being cared for is in need of regular and personal care on a full-time basis. This excuse category includes care for children, elderly, and persons with disabilities but does not include medical care provided by medical professionals. Explain - Include work hours if employed

J. I will bear an EXTREME FINANCIAL BURDEN if required to serve. (Self-employment, or if employer does not pay for jury duty, is not an automatic excuse). However, if you still feel that you would suffer an extreme financial hardship, please provide the following information in writing to assist us in evaluating your request to be excused: number of dependents, estimated monthly household net income, estimated monthly expenses, an explanation of your employer's jury duty policy and other pertinent information.

K. I have served as a juror in Orange County within the past 12 months on

EXEMPTION: (PEACE OFFICERS ONLY)

R. California CCP section 219 states: "Peace Officers, as defined in Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code, shall be exempt from voir dire in all cases."

Appendix D: Study Survey's Raw Data

SURVEY RESULTS - RAW DATA																				
No.	Age	Race	Eth.	in US	English	2a	2b	2c	3a	3b	3c	4a	4b	4c	5a	5b	5c	5d	5e	5f
1	31	w	n	31	e	5	5	5	4	5	4	4	4	4	4	4	4	4	2	2
2	51	w	n	e	e	4	4	4	0	0	0	0	0	0	4	4	4	2	2	2
3	61	w	o	31	e	4	4	4	4	4	4	0	0	0	4	4	4	2	2	2
4	18	w	o	11	o	4	5	4	3	5	4	0	0	0	4	5	5	5	2	1
5	18	w	n	11	e	4	3	2	4	4	4	3	3	3	4	4	4	4	3	3
6	51	w	o	e	e	5	5	5	0	0	0	0	0	0	5	5	5	2	1	1
7	61	w	o	e	e	5	5	5	4	5	5	0	0	0	5	5	5	2	2	2
8	41	w	o	e	e	5	5	5	0	0	0	0	0	0	5	5	5	2	2	3
9	51	w	n	e	e	4	4	4	0	0	0	0	0	0	4	4	4	5	5	5
10	51	w	n	31	e	4	5	5	0	0	0	0	0	0	5	5	5	3	1	2
11	18	a	n	e	e	4	5	3	0	0	0	0	0	0	5	5	5	1	2	1
12	61	w	o	e	e	4	4	3	4	3	4	0	0	0	4	5	5	2	1	1
13	51	w	n	e	e	5	5	5	0	0	0	0	0	0	5	5	5	3	1	1
14	51	w	h	e	e	5	5	5	4	5	5	0	0	0	5	5	5	5	1	1
15	51	b	o	e	e	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
16	61	w	n	e	e	4	4	4	0	0	0	0	0	0	3	5	5	2	2	1
17	41	o	h	11	n	4	3	4	3	3	3	3	3	3	3	3	3	3	3	3
18	51	w	o	31	e	5	5	5	5	5	5	0	0	0	4	5	5	3	1	1
19	18	w	n	e	e	5	5	4	3	3	3	3	3	3	3	3	3	2	1	1
20	18	other	n	11	e	5	5	5	0	0	0	0	0	0	0	0	0	0	0	0
21	61	w	o	e	e	5	5	5	3	5	5	5	5	5	5	5	5	2	2	1
22	41	a	n	21	a	5	5	5	4	4	4	4	4	4	3	3	3	4	3	3
23	41	w	h	e	v	5	5	5	0	0	0	0	0	0	5	5	5	2	1	1
24	31	w	n	e	e	4	4	4	4	4	4	0	0	0	4	5	5	1	1	1
25	18	a	o	11	o	5	5	5	3	5	5	5	5	5	5	3	5	3	3	2
26	18	w	n	21	e	5	5	5	4	5	4	0	0	0	4	4	4	2	2	1
27	51	o	h	e	o	5	5	5	3	5	5	0	0	0	5	5	5	1	1	1
28	61	w	n	e	e	5	5	3	0	0	0	0	0	0	0	0	0	0	0	0
29	31	o	h	e	o	5	5	5	4	4	4	0	0	0	0	0	0	0	0	0
30	41	w	n	e	e	5	5	4	0	0	0	0	0	0	5	5	5	2	1	1
31	18	other	o	e	e	5	5	0	0	0	0	0	0	0	5	4	4	3	3	1
32	41	b	o	11	e	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
33	18	w	n	21	e	5	5	5	3	5	5	0	0	0	0	0	0	0	0	0
34	18	w	o	21	e	3	3	4	4	2	3	0	0	0	4	5	5	5	5	5
35	31	w	n	e	e	5	4	4	3	4	4	0	0	0	0	0	0	0	0	0
36	31	a	n	e	e	5	4	4	0	0	0	0	0	0	3	4	4	2	2	2
37	41	w	n	e	e	5	5	4	4	0	0	0	0	0	4	5	5	2	2	1
38	31	o	h	11	v	1	1	1	2	1	1	1	1	1	2	1	1	1	3	2
39	31	w	o	31	e	5	5	4	4	5	4	0	0	0	4	4	5	3	1	1
40	41	w	o	e	e	5	5	5	0	0	0	0	0	0	5	5	5	2	1	1
41	51	w	o	e	e	5	5	4	0	0	0	0	0	0	0	0	0	0	0	0
42	41	w	n	l	e	5	5	5	4	4	4	0	0	0	4	4	3	5	3	3
43	18	other	h	21	e	4	4	4	4	4	4	3	3	3	4	4	4	2	2	2
44	61	w	o	e	e	5	5	3	2	0	0	0	0	0	4	5	4	4	2	1
45	41	w	n	e	e	4	4	4	3	4	4	4	4	4	4	5	5	2	2	1
46	31	other	h	e	e	5	4	4	3	4	4	4	4	4	4	4	4	4	2	2
47	51	b	o	21	e	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
48	31	w	o	e	e	5	5	5	4	5	5	0	0	0	5	5	5	2	1	1
49	51	w	o	e	e	5	5	3	0	5	3	0	0	0	5	5	5	5	5	1
50	18	w	n	e	e	5	5	5	0	0	0	0	0	0	4	4	4	3	3	2

51	18	a	0	11	e	5	5	5	3	5	5	5	5	5	5	5	5	3	2	2
52	18	other	h	e	e	4	4	3	3	4	4	0	0	0	4	3	4	3	3	2
53	41	0	h	11	e	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
54	51	w	n	e	e	5	5	4	0	0	0	0	0	0	4	4	5	2	2	1
55	18	a	0	11	a	5	5	5	1	5	5	3	3	3	3	5	3	2	2	3
56	51	a	0	31	v	3	3	3	3	3	3	2	3	3	3	3	3	3	4	4
57	61	w	n	e	e	4	4	4	4	4	4	0	0	0	3	3	4	3	3	1
58	31	a	n	11	v	5	5	4	4	5	5	0	0	0	5	4	4	2	2	1
59	18	w	n	21	e	3	4	3	3	3	3	4	4	4	3	3	3	3	3	3
60	51	w	n	e	e	5	5	5	0	0	0	0	0	0	4	5	5	4	1	1
61	31	w	n	e	e	4	3	4	2	3	4	3	3	4	3	3	3	3	3	3
62	41	a	0	e	e	5	5	5	4	5	5	5	5	5	5	5	5	1	1	1
63	61	w	0	e	e	4	4	4	2	5	5	2	4	5	5	5	5	2	2	2
64	51	w	0	31	n	5	5	5	4	5	5	0	0	0	2	1	1	4	5	4
65	31	w	n	e	e	4	5	4	4	5	5	0	0	0	4	3	4	3	4	1
66	51	w	0	e	0	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
67	18	w	n	e	e	5	5	5	4	5	5	5	5	5	5	5	5	3	2	1
68	31	a	n	l	e	5	5	4	3	5	4	4	4	4	5	5	5	1	1	1
69	41	w	n	e	e	5	5	5	4	5	5	0	0	0	4	4	4	4	2	2
70	18	w	n	21	e	5	5	5	0	0	0	0	0	0	5	5	5	4	2	2
71	61	w	0	e	e	5	5	5	0	0	0	0	0	0	5	5	5	3	3	1
72	41	a	n	31	e	5	5	5	5	5	5	0	0	0	5	5	5	2	2	1
73	18	w	n	e	v	5	5	5	5	5	5	0	0	0	5	5	5	3	2	1
74	51	w	0	e	e	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
75	18	other	h	11	v	5	5	5	3	5	5	4	4	4	5	5	5	1	1	1
76	41	a	0	21	v	4	5	5	4	4	4	4	4	4	5	5	4	4	4	4
77	31	a	n	31	e	4	5	5	4	5	5	4	4	4	4	5	5	2	1	1
78	18	w	n	e	e	5	4	5	3	4	5	0	0	0	5	3	5	3	3	1
79	51	0	h	31	v	4	4	4	0	0	0	0	0	0	5	5	5	1	1	1
80	18	w	h	21	e	4	3	4	2	3	4	4	4	4	3	3	4	4	4	3
81	61	w	n	e	e	5	5	5	5	5	5	0	0	0	5	5	5	1	1	1
82	41	a	0	11	v	5	5	5	5	5	4	4	4	4	4	4	4	4	4	4
83	18	w	n	21	e	4	5	4	4	4	4	0	0	0	4	4	4	4	2	1
84	61	w	0	e	e	5	5	5	4	5	5	0	0	0	1	5	5	2	2	1
85	51	w	n	31	e	4	4	4	4	4	4	4	4	4	4	4	4	3	1	1
86	31	a	n	11	v	3	4	4	3	3	4	0	0	0	3	4	4	3	2	1
87	41	w	n	e	e	5	3	3	0	0	0	0	0	0	0	0	0	0	0	0
88	18	0	h	e	e	4	5	5	1	1	1	1	1	1	2	2	3	5	5	2
89	18	w	0	21	e	4	4	4	3	4	4	4	4	4	4	4	4	4	4	4
90	51	w	0	e	0	5	5	5	3	0	0	0	0	0	0	0	0	0	0	0
91	41	w	0	e	e	5	4	5	3	0	0	0	0	0	4	5	5	1	5	1
92	31	w	h	e	e	5	5	5	4	5	4	0	0	0	5	5	5	1	1	1
93	18	w	0	e	e	5	5	5	0	0	0	0	0	0	5	5	5	2	1	1
94	18	other	h	21	e	5	5	5	4	5	5	0	0	0	4	5	5	4	5	1
95	31	w	n	e	e	5	5	3	2	4	3	3	3	3	3	3	4	4	3	2
96	41	a	0	31	e	4	4	4	4	4	4	5	5	5	5	5	5	3	1	1
97	41	w	n	less	e	5	5	5	2	4	4	0	0	0	0	0	0	0	0	0
98	51	w	0	e	e	5	5	4	4	4	4	3	3	3	0	0	0	0	0	0
99	18	a	0	11	a	5	4	4	0	0	0	0	0	0	4	2	3	3	4	3
100	18	0	h	e	e	5	5	5	4	5	5	4	4	4	5	5	5	5	5	5
101	18	0	h	e	e	5	5	4	0	0	0	0	0	0	4	5	5	3	1	1
102	61	b	n	e	e	4	4	4	2	0	4	2	2	4	2	4	4	4	4	4
103	18	other	0	e	e	3	3	3	2	3	3	3	3	3	3	3	3	3	3	3
104	41	w	0	e	e	5	5	4	4	0	0	0	0	0	5	0	1	1	1	1

105	61	w	0	e	e	4	4	4	2	4	3	0	0	0	3	2	4	4	4	2
106	51	w	n	e	e	5	5	5	3	5	5	0	0	0	0	0	0	0	0	0
107	51	w	n	e	e	5	5	5	0	0	0	0	0	0	5	5	5	1	1	1
108	18	w	n	e	e	4	4	4	0	0	0	0	0	0	3	3	5	3	3	1
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114	31	w	n	e	e	1	5	3	0	0	0	0	0	0	1	5	5	5	4	1
115	18	w	n	e	e	5	4	5	1	5	5	0	0	0	5	5	5	3	3	1
116	51	w	n	e	e	4	4	3	0	0	0	0	0	0	3	4	4	3	4	2
117	18	w	n	21	e	4	4	3	0	0	0	0	0	0	3	5	5	3	2	1
118	31	a	n	11	a	4	5	5	4	5	5	0	0	0	5	5	5	3	3	1
119	51	w	0	e	e	4	4	4	3	4	4	4	4	4	4	3	4	3	3	2
120	41	w	n	e	e	4	5	3	3	0	0	0	0	0	4	4	0	2	2	3
121	51	w	n	e	e	5	5	5	0	0	0	0	0	0	5	5	5	4	5	1
122	31	a	0	11	a	5	5	5	5	5	5	5	5	5	5	5	5	1	1	1
123	18	w	h	11	e	5	5	5	0	0	0	0	0	0	4	4	4	3	3	2
124	41	w	n	e	e	5	4	4	4	4	4	4	4	4	4	5	5	3	2	1
125	51	w	n	e	e	5	5	3	2	0	0	0	0	0	4	5	5	4	2	1
126	31	w	n	e	e	5	5	5	5	5	5	5	5	5	5	5	5	1	1	1
127	41	a	0	11	0	4	4	4	4	5	4	4	4	4	4	4	4	4	3	2
128	51	a	n	e	e	5	5	3	4	4	4	4	4	4	4	4	4	5	3	2
129	31	w	h	e	e	4	4	3	0	0	0	0	0	0	3	4	4	3	3	2
130	41	w	n	0	0	5	5	5	5	5	5	5	5	5	5	5	5	3	1	1
131	41	w	n	e	e	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0
132	51	w	n	e	e	5	5	5	3	5	5	5	5	5	5	5	5	1	1	1
133	61	w	n	e	e	5	5	5	3	5	4	0	0	0	5	5	5	1	3	1
134	18	w	n	21	e	5	5	4	0	0	0	0	0	0	5	5	5	2	1	1
135	51	a	n	e	e	5	5	5	4	5	5	0	0	0	3	5	5	3	1	1
136	61	0	h	e	e	5	5	5	5	5	5	0	0	0	0	0	0	0	0	0
137	51	other	0	e	e	5	5	5	4	5	5	0	0	0	5	5	5	1	1	1
138	31	w	n	31	e	5	5	4	4	4	4	0	0	0	4	5	4	3	1	2
139	18	w	0	e	e	5	5	5	4	4	4	3	3	3	5	5	4	1	1	1
140	61	other	h	21	v	5	5	5	0	0	0	0	0	0	5	5	5	2	2	2
141	61	w	0	e	0	4	5	5	4	5	4	4	4	5	5	5	5	4	1	1
142	31	a	0	11	n	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
143	41	w	h	e	e	4	4	4	3	0	0	0	0	0	3	4	4	3	2	2
144	18	w	h	21	e	4	4	4	4	0	0	0	0	0	3	4	5	4	2	1
145	41	w	n	e	e	4	4	4	0	0	0	0	0	0	0	0	0	0	0	0
146	31	0	h	e	e	5	5	5	0	0	0	0	0	0	5	5	5	5	1	1
147	61	a	0	31	a	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
148	31	a	n	21	e	4	4	4	4	4	4	2	2	2	4	4	4	4	4	4
149	41	a	0	21	n	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
150	41	w	0	e	e	5	4	4	0	0	0	0	0	0	4	4	5	3	2	1
151	61	w	n	e	e	4	4	4	0	0	0	0	0	0	4	4	2	3	2	5
152	51	other	n	e	e	5	5	5	0	0	0	0	0	0	4	5	5	4	1	1
153	31	w	h	e	e	5	5	4	3	4	4	0	0	0	3	4	5	2	2	1
154	51	other	0	31	v	4	4	4	3	4	0	4	4	4	4	4	4	4	4	4
155	18	w	n	e	e	5	5	5	3	3	3	0	0	0	3	4	2	5	4	3
156	51	w	n	e	e	5	5	5	5	5	5	5	5	5	5	5	5	3	1	2
157	51	w	0	e	v	5	5	5	4	5	5	5	5	5	5	5	5	2	2	1
158	51	a	0	e	e	5	5	5	3	5	5	0	0	0	4	5	5	4	1	1

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