

**Understanding Juror Selection Processes
Through Jury Documents and Administrator Surveys:
Exploring Implications for Under-Representation
of Populations of Color**

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Executive Summary

Returns

- 52/67 Commonwealth counties are represented in the findings from the survey of court administrators.
- 55/67 Commonwealth counties are represented in the jury summoning document discussion.

Document Analysis

- Counties ask similar questions on their pre-qualification questionnaires, but they vary on the degree of specificity required to explain responses.
- Five models are used for processing the qualification, summons, and juror information questionnaire.
- Counties vary on the time commitment required of prospective jurors. Although many counties use the one day/one trial or two day/one trial system, many more do not. More common is the “date certain” system whereby prospective jurors appear for one day of jury selection, and then are asked to return for the actual trial.
- County timelines vary considerably. Some counties pre-qualify citizens one year ahead of the summoning, others pre-qualify at the same time as the summons. All counties use the Juror Information Questionnaire; however, some counties mail the JIQ, others have the prospective jurors complete the JIQ while in the courthouse. Some counties ask prospective jurors to return the JIQ to the courthouse via mail, others ask prospective jurors to bring it with them when they report for the array.
- Call-in systems, in which prospective jurors are asked to call the courthouse, are not uncommon. At least 15/55 counties use a call-in system.

Administrator Survey Analysis

- Counties use a wide array of list sources, and differ as well in the number of lists they use. Although drivers’ licenses and voter registration combined is one of the most common list combinations used to generate names, a wide array of other types of lists were used, especially in rural counties. Typically, lists are updated once a year or more often, although in some counties lists are updated far less frequently.
- More than half the administrators report keeping information about age and geographic location of potential jurors; other types of information are less frequently available. Very few counties report regularly reviewing this information about juror attributes.
- Number of summoned jurors yearly ranged from 600 (Clinton County) to over a quarter million (Philadelphia). A typical county summons about 3,000 jurors in a year.
- Although almost all counties accepted excuses for family responsibilities and limiting conditions, there was less consensus on accepting occupation-related excuses and hardship related excuses.
- Counties, if they did accept an excuse, differed on how long an excusal period was granted for almost all particular excuses.
- The number of excused jurors varies from about 80 to 91,000; the typical county excuses about 1,200 potential jurors a year.

- Excusal rates—the percent of summoned jurors who are excused—appear to vary from about 8% (Allegheny County) to about 59% (Bucks County) of summoned jurors. The typical county excuses about one third of summoned jurors.
- The number of “no show” jurors ranged from 8 to over 35,000; the typical county experienced about 92 no shows in a year.
- No show rates—the percent of summoned jurors who fail to appear (FTA) on their “due” date—varied from less than one percent to either 6% or 17%, depending on how the failure to appear rate is calculated. The typical no show rate is either 2.5% or 4.2% depending on how it is calculated.
- Counties varied in how quickly and how severely they responded to “no shows.” The more serious responses included contempt of court finding and jail time; less serious responses included just putting the person back in the pool for the next round; moderately serious responses included assessing fines.
- Use of incentives to increase the attractiveness of jury duty appears to be rare.
- Public awareness activities appear in some counties, but no activity was reported in more than a third of the counties unless we add together the different types of PSA venues.
- Formal and informal post-adjudication challenges were reported in about one fifth of the responding counties.

Implications

- Many features of the jury selection process vary widely from county to county. Several of these variations may have implications for the problem of under-representation. It would seem that the following variations could, potentially, affect under-representation among arrayed jurors: lead time, serving time, complexity of the summoning process, excusals permitted, severity of response to no shows, excusal period permitted, and amenities available each may influence under-representation.
- Achieving proper representation may be extremely difficult in many counties since their populations of color are generally low. Forty five out of 60 counties have, based on 1999 census estimates, populations of color that are less than five percent of their total population.

Project Description

The project (“Project”) for the Pennsylvania Supreme Court, Committee on Racial and Gender Bias in the Justice System, Subcommittee on Racial and Gender Bias (“Committee”) began in June 2001 with a two-phase approach. The goal of Phase I was to develop a state-wide picture of current jury selection practices. To accomplish this goal, the project conducted a mail survey of court administrators. These administrators were asked about their jury service selection procedures and data sources. Subsumed within this task was a request, from project staff to court administrators, for copies of county’s jury summoning documents.

Phase I

Phase I of the project started in early June 2001. Beginning June 6, 2001, sixty court administrators¹ received introductory phone calls from project staff. The primary purpose of these “initial contact” phone calls was to introduce the project, its staff, and goals, and to verify the county-level contact person and information. (See Appendix A for a list of county contacts.)

A letter to the court administrators immediately followed the phone calls. This letter formally introduced the project, provided the recipients with a one-page description of the Committee and its goals, prepared recipients for the upcoming survey, and asked recipients to submit to the Committee their jury summoning documents. This letter was mailed on June 12, 2001. (See Appendix B for project documents.)

The letter asked the court administrators to submit their jury summoning documents within five working days. Documents began arriving on July 7.

Approximately two weeks after the first letter had been sent, the court administrator questionnaires were mailed. The letter accompanying the questionnaires asked recipients to complete and return the questionnaire within five working days. Recognizing, however, that the court administrators probably received their questionnaires during the July 4th holiday week, project staff allowed two weeks for the questionnaires to be returned. By Friday, July 17, only 17 questionnaires had been returned. At this point, follow-up, reminder phone calls were made to those court administrators who had not responded to the request for jury summoning documents, and those who had not responded to the survey. This process commenced on July 17, 2001, and continued through August 8, 2001; between these two dates, on July 20, 2001, formal reminder letters were mailed. The letters were tailored to what the court administrators had returned; thus, those who had not submitted their jury summoning documents or their surveys, received a letter requesting both (along with an enclosed second copy of the survey), those who had submitted their jury summoning documents but not their survey, received a letter thanking them for submitting their documents and requesting the completion of their survey (along with an enclosed second copy of the survey), and those who had not submitted their documents, but had sent in their surveys, received a letter thanking them for returning their survey and requesting copies of their jury summoning documents.

As of the date of this report, 48 counties have submitted copies of their jury summoning documents, while 46 counties have submitted their surveys. One county returned their questionnaire too late to be included in the analysis.

¹ There are 67 counties in the Commonwealth of Pennsylvania; however, 7 court administrators are responsible for two counties. These “shared” counties are: Columbia/Montour; Elk/Cameron; Franklin/Fulton; Perry/Juniata; Snyder/Union; Warren/Forest; and Wyoming/Sullivan.

Of the 48 counties submitting their jury summoning documents, 7 are counties in which the court administrator is responsible for two counties. This means that 55/67 Commonwealth counties are represented. Of the 46 counties returning their questionnaires, 6 are counties in which the court administrator is responsible for two counties. As a result, 52/67 Commonwealth counties are represented.²

² Note that the same cannot be said for the counties submitting copies of their jury summoning documents. Of the 48 counties submitting their jury summoning documents, 7 are counties in which the court administrator is responsible for two counties; however, the court administrators only submitted documents for their primary county.

Jury Summoning

Introduction

There are three primary ways to describe the jury summoning process. The first is as a sequence of events. Using a process flowchart, jury summoning is a sequence of communications between the jury commissioners and court administrators, and the citizen. The second method is in terms of the forms, documents, and questions that are used by the various counties. The third is from the perspective of the participants in the process; namely, the potential jurors. The benefit of using this perspective is that it considers the benefits and burdens placed upon the citizens who are called for jury duty.

Limitations

These data and descriptions were obtained from three sources: the jury documents sent to the Committee, telephone conversations with several court administrators, and a few county websites. As a result, the information is limited by what the county chose to send to the Committee or post on its website. For example, many counties send a handbook to its summoned jurors, yet these handbooks may not have been provided to the Committee. Also, we need to be careful about generalizing since so many issues are approached differently in different locations. For example, most counties ask the specific question, "Have you served as a juror in the past 3 years?" This is not true of all counties, however. There are at least three counties that do not specify the number of years.

Jury Summoning as a Sequence of Events

The process of jury summoning in the Commonwealth of Pennsylvania can be categorized using six different models, herein described as Models A-F (see Appendix C for schematic). Each model begins with a mailing that is sent to county residents, but it is the documents included in that first mailing, and the documents included in any subsequent follow-up mailings, that determines the model.

Of the six models, Model B appears to be the most widely used. At least 19 counties³ use Model B as their foundation, adding processing subroutines (discussed later) as needed. It is a model in which counties mail their summons and pre-qualifying questionnaires at the same time.

Note that the following section is a processing discussion only. Descriptions of content follow in a subsequent section of this report. Note also that many counties have separate civil and criminal trial terms, and, as a result, have separate civil and criminal summonses.

³ As compared to 9 counties that use Model A, seven counties that use Model C, six counties that use Model D, and two counties that use Model E. These numbers will not total 60 because the data are based on responding counties only.

Models

Model A

Model A counties separate the qualification and summoning processes. These counties generally begin the process by mailing a pre-qualifying questionnaire to citizens. The citizens complete and return the questionnaire, at which point a determination is made as to whether the citizen is excused/disqualified for jury service. Those citizens who are excused/disqualified, receive a letter dismissing them from further service. Those citizens who are not excused/disqualified, receive a subsequent summons. In this model, the juror information questionnaire is completed after the citizen has reported for the array (i.e., the citizen is in the courthouse).

Note that in this model, the pre-qualifying process can be started up to a year before the citizen is actually summoned. Several counties mail their pre-qualifying questionnaires the year before the citizen is actually summoned. For example, Montgomery County mails its pre-qualifying questionnaire in the spring preceding the year the citizen will be summoned. Thus, those citizens who received their pre-qualifying questionnaire in Spring 2001, will be called in 2002. Similarly, Potter County mails its pre-qualifying questionnaire in the summer preceding the year the citizen will be summoned. Those citizens who received their pre-qualifying questionnaire in Summer 2001, will be called in 2002

Model B

Model B counties combine the qualification and summoning processes. These counties generally begin the process by mailing an excusal/qualifying questionnaire, along with the summons, to a citizen. The citizen then completes and returns the questionnaire. If the citizen is excused/disqualified, a letter or postcard is sent to the citizen, dismissing her from further service. Those who are not excused/qualified, are then expected to appear on the summons date. In this model, the juror information questionnaire is completed after the citizen has reported for the array (i.e., the citizen is in the courthouse).

Model C

Model C combines the qualification and summoning processes with the juror information questionnaire. In this model, the jury commissioner or the court administrator sends one mailing to the citizen. This mailing includes the summons, the excusal/qualifying questionnaire, and the juror information questionnaire. Citizens are expected to complete and return the questionnaires, usually within five days. Excused or disqualified citizens are notified via mail that they should not report to the courthouse. Others are expected to appear on the summons date.

Model D

In Model D the qualification process is separated from the summons process; however, the summons process is combined with the juror information questionnaire. Thus the citizen potentially receives two mailings, both requiring mailed responses. The first mailing includes the excusal/qualification questionnaire. The citizen completes and returns the questionnaire. Those who are excused/disqualified receive a letter or postcard dismissing them from further service. Those who are not excused/qualified, receive a second mailing that includes the summons, along with the juror information questionnaire. The juror information questionnaire is

then completed by the citizen and returned to the court, either via mail or on the day of the array. These citizens are expected to appear as summoned.

Model E

Model E combines the qualification process with the juror information questionnaire, and then follows both with the summoning process. This model begins with the citizen receiving the excusal/qualification and juror information questionnaires. The citizen completes and returns both questionnaires. Citizens who are excused/disqualified receive a letter or postcard dismissing them from further service. Those who are not excused/qualified, receive the summons as a second mailing. These citizens are expected to appear as summoned.

County Name	Processing Model
Adams County Courthouse	A
Allegheny County Courthouse	A
Crawford County Courthouse	A
Dauphin County Courthouse	A
Elk County and Cameron County Courthouses	A
Fayette County Courthouse	A
Lancaster County Courthouse	A
Potter County Courthouse	A
Westmoreland County Courthouse	A
Armstrong County Courthouse	B
Bradford County Courthouse	B
Carbon County Courthouse	B
Chester County Courthouse	B
Columbia County and Montour County Courthouses	B
Cumberland County Courthouse	B
Delaware County Courthouse	B
Erie County Courthouse	B
Indiana County Courthouse	B
Lackawanna County Courthouse	B
Lehigh County Courthouse	B
Luzerne County Courthouse	B
Montgomery County Courthouse	B
Northampton County Government Center	B
Philadelphia County Courthouse	B
Pike County Courthouse	B
Schuylkill County Courthouse	B
Susquehanna County Courthouse	B
Tioga County Courthouse	B
Blair County Courthouse	C
Clearfield County Courthouse	C
Franklin County and Fulton County Courthouses	C
Mercer County Courthouse	C
Northumberland County Courthouse	C
Perry County and Juniata County Courthouses	C

Washington County Courthouse	C
Beaver County Courthouse	D
Bedford County Courthouse	D
Centre County Courthouse	D
Lycoming County Courthouse	D
Mifflin County Courthouse	D
Monroe County Courthouse	D
Venango County Courthouse	D
Greene County Courthouse	E
Huntingdon County Courthouse	E

Subroutines

When developing models for jury summoning in the Commonwealth, it is important to note that variations (a.k.a. subroutines) exist within each model. These subroutines may “attach” to any of the models described above. For example, Figure 3 in Appendix C is an example of subroutines added to Model A.

Subroutines include a requirement to acknowledge receipt of the summons, and a requirement to call the courthouse.

Subroutine 1: Acknowledge Receipt of the Summons

A few counties require citizens to return a postcard to the courthouse, acknowledging receipt of the summons.

Subroutine 2: Call the Courthouse

Many counties in the Commonwealth use a call-in process as an added convenience for citizens. Call-in processes vary as to their starting time, but all require or ask the citizen to call the courthouse, the evening before reporting, to find out whether their services are needed. The county assigns the citizen a juror number, and the typical recording will reference the juror number by saying, “All jurors from 256 to 356 are expected to report to the courthouse. All others are dismissed.”

Other counties use the call-in process in conjunction with a stand-by process. The county assigns the citizen a stand-by juror number, and asks the citizen to call a stand-by number in order to determine if their services are needed. Those citizens assigned a regular number (i.e., not a stand-by number) are expected to report as scheduled.

The schedule for this call-in process varies, but most counties activate their recording after office hours (e.g., after 4:30 p.m.), the day before the citizen is to report. Thus, a citizen expected to report on Tuesday, July 31, would be asked to call the recording after 4:30 p.m., Monday, July 30.

County Name	Call-in Time
Elk County and Cameron County Courthouses	4:00
Westmoreland County Courthouse	4:00
Blair County Courthouse	4:30
Delaware County Courthouse	4:30
Erie County Courthouse	4:30

Potter County Courthouse	4:30
Tioga County Courthouse	4:30
Bradford County Courthouse	5:00
Chester County Courthouse	5:00
Lancaster County Courthouse	5:00
Lehigh County Courthouse	5:30
Lycoming County Courthouse	5:30
Allegheny County Courthouse	4:00 (those on stand-by only)
Crawford County Courthouse	5:00 (civil only)
Pike County Courthouse	(day before)
Adams County Courthouse	NA
Armstrong County Courthouse	NA
Beaver County Courthouse	NA
Bedford County Courthouse	NA
Carbon County Courthouse	NA
Centre County Courthouse	NA
Clearfield County Courthouse	NA
Columbia County and Montour County Courthouses	NA
Cumberland County Courthouse	NA
Dauphin County Courthouse	NA
Fayette County Courthouse	NA
Franklin County and Fulton County Courthouses	NA
Greene County Courthouse	NA
Indiana County Courthouse	NA
Lackawanna County Courthouse	NA
Luzerne County Courthouse	NA
Mercer County Courthouse	NA
Mifflin County Courthouse	NA
Monroe County Courthouse	NA
Northampton County Government Center	NA
Northumberland County Courthouse	NA
Perry County and Juniata County Courthouses	NA
Philadelphia County Courthouse	NA
Schuylkill County Courthouse	NA
Susquehanna County Courthouse	NA
Venango County Courthouse	NA
Washington County Courthouse	NA
Huntingdon County Courthouse	NA

Jury Summoning Documents, Forms, and Participants

Summons

Summonses vary greatly in the Commonwealth of Pennsylvania; therefore, for the purpose of this study, a summons was generically defined as a document that specified a date and time for a citizen to report to a courthouse. No distinction was made between criminal and civil summonses, although many counties distinguish between the two trial terms, summoning either a criminal or a civil array.

The simplest summonses provide the citizen with a reporting date, time, and location. Other summonses provide a date, time, and location, and include questions for potential juror disqualification or exclusion. Still other summons include the date, time, location, questions for potential juror disqualification or excusal, and the juror information questionnaire (see the following section for a description of the juror information questionnaire). The most complex summons combine all the aforementioned with other miscellany such as parking permits.

Summonses also vary in format. Many summonses are generated as computer-generated, tear-apart forms, while others are individually addressed letters. There are also postcards, letters, and forms printed on multiple copy, pressure-sensitive paper.

As was described earlier, summonses are not always the first communication a citizen receives from the court. Many counties start by determining whether a citizen qualifies for jury service. In these locales, once a citizen is determined to be qualified for jury service, the official summons is sent as part of a second mailing.

Pre-Qualifying Questionnaire

The pre-qualifying questionnaire attempts to identify whether the citizen is non-exempt and qualified for jury service. Although there is a clear distinction between excusal and qualifying criteria, all counties combine both sets of questions into one document, and many counties do not formally distinguish between excusal or disqualifying questions.⁴

⁴ The researchers defined an “excusal” as a temporary condition that allowed a citizen to *temporarily defer* jury service. A “disqualifier” was defined as a permanent condition that *disqualified* a citizen from jury service. According to the PA Statutes:

§ 4502. Qualifications of jurors.

Every citizen of this Commonwealth who is of the required minimum age for voting for State or local officials and who resides in the county shall be qualified to serve as a juror therein unless such citizen:

1. is unable to read, write, speak and understand the English language;
2. is incapable, by reason of mental or physical infirmity, to render efficient jury service; or
3. has been convicted of a crime punishable by imprisonment for more than one year and has not been granted a pardon or amnesty therefor.

§ 4503. Exemptions from jury duty.

(a) General rule.--No person shall be exempt or excused from jury duty except the following:

1. Persons in active service of the armed forces of the United States or of the Commonwealth of Pennsylvania.
2. Persons who have served within three years next preceding on any jury except a person who served as a juror for fewer than three days in any one year in which case the exemption period shall be one year.
3. Persons demonstrating to the court undue hardship or extreme inconvenience may be excused permanently or for such period as the court determines is necessary, and if excused for a limited period shall, at the end of the period, be assigned to the next jury array.

Questions on the Pre-Qualifying Questionnaire

Questions on the pre-qualifying questionnaire are fairly standard, but there are a few variations. The typical questions include citizenship, convictions, and English aptitude, as well as military and previous jury service. Because variation exists within these categories, each will be discussed separately.

Citizenship

One county (Monroe) requires those who are not “American citizens” to provide the court with their alien registration numbers.

Military Service

Variations on the question about military service:

- Are you in the military?
- Are you in active service with the armed forces of the United States or Pennsylvania?
- Are you in active service of the armed forces of the United States?
- Are you an active member of the Armed Forces?
- Will you be employed fulltime as a member of the Armed Forces on Active Duty in the next 18 months?
- I am currently in active full-time service of the armed forces of the US or Commonwealth of Pennsylvania.

Criminal History

For the criminal history question, many, but not all, counties require further specificity. Most counties ask the citizen to explain previous convictions; however, one county asks for very detailed information (see variation below).

Most counties do not specify whether DUI convictions are included; however, there are counties that preclude or include (Lehigh) DUI convictions in this category.

Variations on the question about the citizen’s criminal history:

- Have you ever been convicted of a crime?
- Have you ever been convicted of a felony or misdemeanor?
- Have you ever been convicted of a crime punishable by 1 year imprisonment?
- Have you ever been convicted of a crime punishable by 1 year imprisonment and no amnesty?
- Have you ever been convicted of a crime that permits maximum punishment by imprisonment for one year or more and have not been pardoned?
- Have you ever been convicted of a criminal misdemeanor or felony in any jurisdiction?
- Are you currently serving a sentence of imprisonment, or are you under court supervision (serving a period of probation or parole) for a criminal offense (not traffic or municipal court offenses)?
- I have been convicted of a crime punishable by imprisonment for more than one year without pardon.

Variations on the question about the specifics of the citizen's criminal history:

- If yes, please explain
- Where, when, what was the offense, do you have any charges pending, where, what is the charge?

Previous Jury Service

For previous jury service, all counties use the 3-year limit established by the Pennsylvania Supreme Court. The question is generally, "have you served as a juror within the past 3 years?" Most counties also ask for further specificity, such as when, where, and for how long, the citizen served as a juror.⁵

Infirmities and Disabilities

Variation on questions about disabilities and infirmities (note that a distinction is made between infirmities that preclude jury service, and disabilities that require special accommodations in the courthouse):

- Do you have any documented physical or mental infirmity rendering you permanently incapable of efficient jury service?
- Do you have any physical or psychological disability or are you presently taking any medication?
- Do you suffer from any physical or mental infirmity which would make you incapable of rendering efficient jury service?
- I am incapable, because of mental or physical infirmity, to render effective jury service.

Law Enforcement Involvement

Variation on questions about the citizen's involvement in law enforcement:

- Have you or anyone in your family ever been in law enforcement?
- Have you or anyone in your family ever been involved in law enforcement?
- Have you or anyone in your family ever worked in law enforcement?

Unique Questions

A few counties ask for the name of the citizen's municipality, the name of the citizen's spouse, or the citizen's phone number in order to call him/her if the array is cancelled. Other questions include length of marital status, maiden name, name from a prior marriage, or any other names used in the past.

Juror Information Questionnaire (JIQ)

The JIQ is a standard questionnaire that is a requirement of the Pennsylvania Supreme Court criminal process.⁶ It is a confidential questionnaire that asks the citizen's name, residence, marital status, race, occupation, previous occupations, number of children, level of education, etc. It also asks about previous jury service and disabilities. Most notably, the JIQ asks questions about the citizen's personal background and beliefs, such as whether the juror has ever

⁵ This is in keeping with the rules of the Pennsylvania Supreme Court, which allow an excusal for service in the past 3 years IF the citizen served for MORE THAN 3 days.

⁶ See Rule [1107] 632.

been the victim of a crime, whether the juror has beliefs that would prevent sitting in judgment, and whether the juror would have problems following the court's instructions.

Although the JIQ is intended to assist in criminal jury selection, many counties require all potential jurors to complete the questionnaire. According to a comment of Rule 1107 (632), districts may choose between mailing the JIQ to potential jurors or requiring potential jurors to complete the form when they report for jury duty. In either case, the JIQ is not public record, cannot be combined on the same form with the qualification questionnaire, and is only used for jury selection. Other counties have added modified versions of the JIQ that are used for civil trials.

Other Documents

Juror's Handbook

Many counties provide county-specific handbooks for jurors. Other counties distribute the Juror's Guide, published by the Pennsylvania Bar Association and Pennsylvanians for Modern Courts.

Similar to other jury documents, county-specific handbooks vary as to when they are distributed and their content. A few counties mail their handbooks to all summoned jurors. Others distribute their handbooks during the array. Still others distribute their handbooks upon request only.

County-specific handbooks appear to fall into one of two categories. There are the handbooks that emphasize jury service and frequently asked questions (FAQ), and the handbooks that emphasize the trial process. Common contents for handbooks in the first category include FAQs such as where to go for questions, meals, fees, parking, reporting information, and attire. Almost all handbooks in this category also include information on what to expect as a juror, how the jury pool is selected, what to expect in the courtroom/jury room, and jury conduct. Handbooks in one or two counties include the juror's creed, or include descriptions of the differences between criminal and civil trials. No handbook in the Commonwealth includes information on public transportation or childcare services, but this may be due to the nature of the county (i.e., counties may not have public transportation or childcare services). It is unclear as to whether the information contained in the handbook is tailored to when the prospective juror receives the handbook. For example, handbooks that are handed to jurors after they arrive at the courthouse may not include maps.

Handbooks that emphasize the trial process generally discuss the various kinds of trials (e.g., civil vs. criminal; jury vs. non-jury), the role of the "actors" in the trial, common legal terms, and the requirements of being a juror. These handbooks also give detailed, step-by-step descriptions of how a trial proceeds.

Exit Questionnaire

One county, Blair, distributes two Jury Service Exit Questionnaires. One questionnaire asks about the jury selection experience; the other asks about the jury service experience.

Variation Based on Criminal/Civil Arrays

Generally no distinction is made between a criminal and civil array; however, there are counties that have one mailing for their criminal array and one for their civil array. If the county distinguishes between their criminal and civil array, then different forms may be sent to the citizen. For example, a citizen summoned for the civil array will not receive the criminal Juror

Information Questionnaire. Instead the county may have developed a questionnaire that asks civil voir dire questions, or the county may not send any supplemental questionnaire at all.

Jury Summoning from the Citizen's Perspective

Time Commitment

Insofar as citizens are expected to devote between several hours to several days to jury duty, it is critical to discuss the time commitment required of jurors. Before commencing with a discussion of the time commitment, however, it is important to distinguish between array (i.e., jury selection) service and the trial term. Array service refers to a prospective juror appearing at the courthouse for jury selection. This is generally limited to one day of service, although a few counties require prospective jurors to serve two days. In comparison, the trial term is the period during which the court conducts its jury trials. In many counties the trial term ranges from two weeks to two months.

It is the combination of both that determines the actual time commitment required of potential jurors. For many counties, the array service ranges from one day to one week; however, in some counties those who are selected for jury service may be required to serve between a few days to two months. Thus, a citizen could potentially appear for one day of array service, be selected for several trials that will occur over the course of the two-month trial term, and then be required to report back to the courthouse at later dates for the actual trials.

For example, Clearfield County follows this model. Five times a year the County calls a one-day array, but the actual trial term continues for two months. Thus citizens are summoned to serve for one day in the January array for the January-February trial term, in the March array for the March-April trial term, in the May array for the May-June trial term, in the September array for the September-October trial term, or in the November array for the November-December trial term. Citizens summoned for the one-day array in January, and not selected for a jury, are dismissed from further service. Citizens summoned for the one-day array, and selected for a jury, are asked to return at a later date. Since Clearfield County is a "date certain" county, which means the trial schedule (starting and ending date) is set in advance, jurors are given exact dates. They are told, in advance, the trial start date, ending date, and length. These citizens then serve as jurors for the entire length of the trial. In this county, it is not unusual for citizens to serve on more than one trial during the two-month period.

Other counties use a one day/one trial system. Under the one day/one trial system, jurors are asked to serve either one day or on one jury. Thus those citizens who are not selected to serve on a jury are dismissed at the end of their one day of service. Those who are selected serve the entire length of the trial, however long it may last. The two day/one trial or one week/one trial systems are similar. A few counties, such as Lycoming, have different requirements based on whether the trial term is criminal or civil. For its civil trial term, Lycoming uses a one day/one trial system; for its criminal trial term, Lycoming uses a two day/one trial system. Similarly, Lancaster County uses a two day minimum for its criminal court, and a three day minimum for its civil court.

In their correspondence with citizens, counties vary on how they describe the time commitment, and it is frequently unclear whether the county is describing the array service or the trial term. For example, many counties say, "The term of service is usually one week," without

giving further detail.⁷ Other counties say, “the average juror serves 2½ days,” which provides an approximate service length, but does not indicate if the 2½ days are for array service, the trial term, or the length of an average trial.

Excusals for Previous Jury Service

The Commonwealth standard for excusals for previous jury service is one year excusal for service lasting 1-2 days, and three years for service of three or more days. It is unclear whether the one year excusal is ever invoked; however, as many counties ask if a juror has “served within the past 3 years.”

Payment for Services

Payment for jury services is set by state statute at \$9.00/day for the first three days of service, and \$25.00/day thereafter. Some counties also reimburse prospective jurors for travel between their homes and the courthouse. This travel reimbursement is 17¢ per mile.

Accommodations for Disabilities

The extent to which counties acknowledge or accommodate persons with disabilities is unclear; however, a few counties ask that persons with disabilities notify the courthouse prior to reporting.

Allowable Material

Courts vary as to what they tell citizens is allowed in the courthouse. Some counties provide a very specific list of what is not allowed, while other counties do not mention any prohibitions. For example, a few counties prohibit newspapers (e.g., Lancaster County, Monroe County), while others prohibit knitting needles. In Lancaster, cellular phone and laptops are allowed in the jury lounge, but are not allowed in the courtrooms. In Philadelphia, cellular phones are not allowed at all.

Childcare

Montgomery County is the only county to mention childcare services. On their summons is a statement that free, licensed, drop-in childcare is located across the street from the courthouse. This childcare center accepts children between the ages of 6 weeks to school age.

Descriptions of Actual Counties

Clearfield County

Clearfield County distinguishes between its criminal and civil summons. Those citizens summoned for criminal court receive a criminal summons and two criminal questionnaires (described next paragraph). Those citizens summoned for civil court receive a civil summons and a civil questionnaire. Both criminal and civil summonses are letters only, and do not ask the standard disqualifying or excusal questions. In fact, the disqualifying and excusal questions are not asked on any of the attached *criminal* questionnaires. When queried, the county stated that it does not require citizens to answer the standard disqualifying/excusal questions, although

⁷ Cumberland County. “The term of service is usually one week. However, if selected for trial, you must serve for the duration of that trial, regardless of length.”

citizens who qualify for a disqualification or excusal can request one. Jurors that are excused or disqualified receive a letter excusing them from service.

The two criminal questionnaires are the JIQ and a questionnaire that has traditionally been used in the county. Questions on the latter include name, address, age, marital status, occupation, etc. It also includes three questions that approximate questions on the JIQ; i.e., law enforcement service, health problems, and appearance in criminal court as a defendant.

The civil questionnaire that accompanies the civil summons is slightly different. It includes the typical disqualifying/excusal questions.

Clearfield County calls an array five times a year, for the January-February, March-April, May-June, September-October, and November-December trial terms. The array is called in to the courthouse, and selected for a particular trial, which occurs within the 2-month period. The juror then must return to participate in the jury. It is not unusual for a juror to serve on more than one jury.

Centre County

In Centre County, the criminal case calendar is handled separately from the civil case calendar, although the same summons is used. Criminal arrays are summoned six times a year, in early February, April, June, August, October, and December.⁸ Citizens participate in jury selection for one day, during which the jurors are selected for trials starting within the next 60 days. Thus, jurors selected are expected to return to the courthouse at a later date, to complete their jury duty. For example, jury selection occurred on February 12th of this year. Citizens selected as jurors were then told when their trial would begin (and end). That trial would have started and ended anytime between February 12th and April 9th (the next array date). Citizens may participate in more than one trial during that time. Civil cases are summoned four times a year.

Clarion County

Clarion County mails a juror qualification form to citizens in the Fall. Citizens are asked to complete and return the qualification form within five days. Those who are prospective jurors are summoned the following year. When summoned, the citizen receives both the summons and a juror information questionnaire. The juror information questionnaire is completed and returned to the court. Clarion County distinguishes between civil and criminal summonses, and has a separate juror information questionnaires for criminal and civil cases.

The County calls an array 1-2 times per month, depending on need. The prospective jurors are asked to appear for one day of jury selection. Those who are selected are told when to appear for the actual trial. It is not unusual for prospective jurors to be selected for more than one trial; however, rarely does a juror serve for more than three trials. Criminal trials generally last between 1-2 days, but these 1-2 day trials may extend over the course of several weeks (usually three weeks). If the trial is cancelled, the court calls the jurors to dismiss them from duty.

Those who are not selected are dismissed from service; however, on rare occasions, those prospective jurors are asked to return to the courthouse, on another date, to participate in another jury selection.

⁸ The exact dates are: February 12, April 9, June 11, August 6, October 8, and December 3.

Crawford County

Crawford County sends out, in its first mailing, a pre-qualifying questionnaire. No summons accompanies the questionnaire. When returned, the jury commissioners cull their list, removing those citizens who do not qualify, or who should be excluded. The names then go into a jury wheel.

Later, the court asks for a certain number of jurors, usually 150. The jury commissioner pulls names from the wheel, and the court summons the jurors. Civil summons are handled separately from criminal summons. Handbooks are included in this second mailing.

Civil summons are for two weeks, criminal summons are for one week. Jurors serve for that entire time period, so they may serve on more than one jury. It is not unusual for jurors to serve on two juries during the week they are asked to serve.

According to the court administrator, civil jury service requires two weeks of service because the cases are longer, but civil cases never extend beyond two weeks. (Criminal cases never last more than one week.) In Crawford County it is the responsibility of the judge to determine precisely, in consultation with the attorneys, how long the case will last.

Delaware County

In Delaware County, a list of names based on voter's registration and licensed drivers is compiled once a year. This list is then reviewed to remove those individuals whose names may have been included in the list, but who actually live in counties bordering Delaware County. Names are then randomly selected. These citizens receive a Summons for Jury Duty, and a Delaware County Jury Questionnaire (a.k.a. the pre-qualification questionnaire). The Delaware County Jury Questionnaire is comprehensive in that it includes personal questions, such as phone number, name of municipality, and length of time of time at current address, marital status, occupation/employment, length of employment, and level of education. It asks similar questions about the respondent's spouse, children, and other household members. The Delaware County questionnaire also asks about any previous lawsuits, involvement with the courts, relationship to police/law enforcement officers, and employment in the insurance industry.

Citizens are asked to return the completed Jury Questionnaire to the courthouse. Those who are disqualified are sent a postcard dismissing them from service. Those who are qualified are expected to appear on the array date. Delaware County uses a stand-by juror system whereby those who are assigned a stand-by number must call a hotline to find out if they are to report for the array the following morning.

Delaware County is unique in providing a list of directions that include public transportation via bus, trolley, and train.

Upon arrival, courthouse staff greet and check-in prospective jurors. A judge welcomes jurors. The JIQ is completed at the courthouse. A video explains how to complete the juror information questionnaire.

Erie County

One of the simplest methods for summoning jurors is used by Erie County. Erie County mails to citizens a summons that includes a summons letter and the pre-qualifying questionnaires. Citizens are asked to return the questionnaire. The court then reviews the questionnaire to see if the citizen has valid grounds for excusal. If the disqualification/excusal is valid, then a second letter is sent, telling the citizen that he/she does not have to report for jury duty. All others are expected to show up on the date/time of their summons.

Citizens who are not excused are asked to call in to the courthouse the day before they are expected to show up. At that time, a recording informs citizens if they are to report for service, or are excused (usually because the court does not need the citizen's services). After the citizens report for jury duty, they are given the juror information questionnaire and a handbook explaining the juror process and experience.

Fayette County

Fayette County's summoning process includes summoning for coroner's juries. This is a jury that determines whether a death is a homicide or accident.

Indiana County

Indiana County calls an array twice a month, for ten months of the year. They generally do not conduct trials during the months of July and December. The citizen receives a summons and a pre-qualifying questionnaire in the same mailing. The citizen returns the questionnaire, and the jury commissioners determine who will be excused. Those who are not excused appear for the array, and complete the JIQ while waiting in the courthouse. Citizens are summoned for five days. Jury selection occurs on the first day. Those who are selected are told when to return; the return date is usually within those five days. Those who are not selected are excused for the entire week.

Mercer County

Mercer County schedules two weeks per month for jury trials. Jurors serve a term of one week. Approximately 300 jurors are called per month (150 per week).

Citizens receive a summons and a questionnaire that includes the disqualifying/excusal and JIQ questions. These are sent in one mailing. Citizens are asked to return the questionnaire. Based on answers to the disqualifying/excusal questionnaire, citizens may be excused. If further information is required, such as a medical certificate, then a card is sent to the citizen. The citizen must supply the needed information in order to be excused. Rescheduling or excusing jurors is the responsibility of the Jury Commissioner's office.

Those who are not disqualified or excused are expected to report for jury duty as scheduled. Their questionnaires are made available to the court, district attorney, public defender's office, and private counsel.

Montgomery County

Montgomery County is somewhat unique in that it qualifies citizens twice. The first qualifying questionnaire is sent as is; i.e., only the qualifying questions are asked. This first questionnaire is sent in the Spring before jurors are summoned. For example, those citizens who received the questionnaire in Spring 2000, were actually called in 2001. The second qualifying questionnaire, which asks questions similar to the previous questionnaire, is mailed along with the summons. The voir dire questionnaire is completed at the courthouse.

Perry County

Perry County mails two documents to its citizens: a summons and a questionnaire that combines the pre-qualifying questions with the JIQ. This mailing occurs 6-8 weeks prior to the array date. Mailings occur 7/year, in the months of January, February, April, June, August,

October, and December. Citizens are then asked to return the questionnaire. Those who do not qualify for jury service are sent a postcard excusing them from service.

Perry County is a date-certain county. According to the court administrator, criminal trials usually occur within two weeks following the jury selection. Civil trials are less predictable. They can occur up to five weeks following jury selection.

Philadelphia County

Philadelphia County combines its registered voter list with its licensed drivers list to obtain a comprehensive list of residents. Pre-qualifying questionnaires and summonses are then mailed to citizens, who are asked to complete and return the questionnaire. Citizens have five days to comply. Those who qualify for jury service are asked to report to the courthouse on their array date, carrying their summons. Philadelphia County accepts requests for excusals/postponements via fax.

Philadelphia uses a one day/one trial system. This means that jurors report for their one day of service. Those who are selected are expected to participate in the trial for its duration (however long that may be). Those who are not selected are dismissed from service.

Potter County

Potter County is a manual county, so all the paperwork is done by hand. Once or twice a year (depending on need and response rate), the jury commissioner mails the pre-qualifying questionnaire to 800-1,000 randomly selected citizens. This mailing is usually done in the summer, and the responses are considered valid for the following year. Thus a citizen who responds to this summer mailing may be summoned for an array in the following year.

Once every two months, or six/year, the court administrator asks the jury commissioner for a randomly selected list of names. The citizens on this list receive three documents: a summons, a notice to call-in, and a postcard. The postcard acknowledges receipt of the summons, and is returned by the citizen to the court administrator. The mailing occurs approximately 3-4 weeks before the actual summons date.

Once summoned, the jurors are expected to be available for trials occurring in the following two months. Potter County is a date-certain county, so those selected for a jury know exactly when a trial will begin and end. Citizens may serve on more than one jury, although they never serve everyday for the full two months.

Summoned jurors are asked to call-in after 4:30 p.m., the day before they are to appear. Either all summoned jurors are excused, or all are asked to appear.

Administrator Survey

Results

Response Rates

By August 10, 2001, almost a full five weeks after initially mailing the surveys, we had received completed survey forms from 46 jurisdictions out of 60 for a response rate of slightly over 75%; one jurisdiction had removed the first page from the survey so we were not able to determine which county had sent it back. One other large county sent its questionnaire back but too late to be included in the analyses.

Respondents

Respondents were 67% female (29 out of 43 answering this item); 77% were court administrators (33 out of 43), 9% were jury commissioners (4 out of 43), and 14% (6 out of 43) held another job title. 77% reported their race as white (33 out of 43), 19% (8 out of 43) couldn't say because they identified with more than one race; one each reported an African-American and an Asian racial background.

Summary information on the respondents' court careers appears in the table below. The typical respondent started working in the local courts in about 1984 or 1985, and has been responsible for jury selection since 1989. Over three quarters of respondents have been in their current position since 1985, suggesting considerable stability in these roles. About a quarter of respondents have been in their current position for five years or less.

Background on Respondent Court Careers

		First Year Held Position	First Year Responsible for Jury Selection Process	Year First Started Working in Court
N	Valid	42	36	42
	Missing	19	25	19
Mean		1990	1989	1984
Minimum		1972	1972	1970
Maximum		2000	2000	1997
Percentiles	25	1985	1985	1979
	50(Median)	1990	1989	1985
	75	1996	1995	1990

List Sources

All court administrators begin with one type of list or another to define their pool of potential jurors. We had expected that many counties⁹ would use lists of registered voters. But 16 counties reported not using registered voter lists. We also asked about other types of lists that could be used to complement the voters' list. The total number of lists used ranged from 1 (in four counties) to 4 (in two counties). Most typically, counties reported using two list sources (29 or 63% of responding counties). Two counties did not report using any lists.

Although eight counties used just the registered voters lists, the other counties supplemented that list with other list sources. The list sources used, in declining popularity, were as follows:

Registered voters ¹⁰	28
Drivers' license lists ¹¹	23
Tax paying property owners' lists	13
Occupational tax list	5
Telephone directories	4
Per capita tax	4
Community organization lists	2
High school graduates	1
City earned income	1

Lists are always going out of date. We asked administrators how often they updated the lists they used.

For the registered voters' lists, 26 of the 28 reported updating the list yearly or more frequently.¹² For most of the other lists, yearly or more frequent updates appeared to be the pattern. In general, most lists were updated once a year or more frequently by more than half of the respondents.¹³

It did appear that although voter and drivers' licenses lists were the most common list sources in urban and large suburban counties, in more rural counties it was not unusual for

⁹ Throughout we will refer to each responding unit as a "county." We recognize, however, that in six cases the responding administrator oversaw operations in two counties. Six sets of combined counties included: Columbia and Montour; Franklin and Fulton; Perry and Juniata; Snyder and Union; Warren and Forest; and Wyoming and Sullivan.

¹⁰ These 28 include the eight that used just the registered voters list.

¹¹ Four counties left blank the question of whether they used drivers' license lists.

¹² We also asked about recency of lists by asking about the year of the last update for the voters list they were currently using. Thirty rather than 28 counties answered this question. Of the thirty who reported the frequency of updating, ten had updated their lists in the current calendar year, 19 in 2000, and 1 in 1999.

¹³ But, again, there was variation. One county reported updating drivers' license lists every three years, another every two and a half years; and 14 counties reported yearly updates. Variations in update frequency may relate to whether the county is computerized, the size of the county population, and the overall size of the court administrative staff devoted to jury selection.

administrators to rely on a jurisdiction-specific source such as a per capita tax or an occupational tax list. The following counties reported using an occupational tax list or a per capita tax list as one of their sources for identifying potential jurors:

- Adams
- Bradford
- Clarion
- Indiana
- Jefferson
- Mifflin
- Perry
- York

The survey also asked administrators why they thought the lists they used would be “more representative of your county’s population in terms of racial or ethnic background.” The responses were quite wide ranging, and reflected counties taking advantage of their own particular administrative infrastructure.

Several counties, usually in rural locations, rely on a per capita tax which is a required tax of all county residents aged 18 or older. One respondent noted: “Since every resident over the age of 18 should be paying the per capita tax, this should be the most reliable list to include all eligible prospective jurors.” Another administrator remarked: “The per-capita tax list is all-inclusive without regard to race, religion, whether or not they are property owners or registered voters.”

Views varied about the currency of drivers’ license lists. One respondent noted: “Although licensed drivers list is the most reliable and current, it still includes many old addresses and therefore, we use the Voter Registration list and merge it with the licensed driver list, which helps to obtain a more representative list.” Another respondent did not see limitations in the use of drivers’ license lists: “The list of licensed drivers is use[d] the most because it contains current information.”

In short, administrators, and probably the local judiciary as well, have varying opinions on how representative voters and current drivers’ license lists are; many counties are concerned about representativeness and have tried to use a combination of lists in order to increase the scope of the potential jury pool.

Summoned Juror Information

We sought to learn how much information about summoned jurors administrators kept and if they kept it, whether they reviewed it periodically. The results are shown below. Most often kept was information about age and geographic location, retained by well over half the respondents. Nonetheless, few counties reported regularly reviewing this summoned juror information.

Summoned Juror Information		
	N Reporting Information Available	N Reporting Information Reviewed on a Regular Basis
Age	30	5
Gender	22	3
Race	6	1
Geographic Location	34	8

Additional juror attributes which administrators reported retaining, in addition to the ones mentioned just above, and the N of counties keeping the information, are as follows:

Occupation	(7)
Marital status	(4)
Children (n or age or unspecified)	(2)
Education	(1)
Employment	(1)
Motor vehicle operator #	(1)

Volume

The number of summoned jurors summoned in a typical year ranged from 600 (Clinton and Potter Counties) to more than a quarter of a million (286,500; Philadelphia). The “typical” county summons about 3,000 jurors per year.¹⁴ The results by county, sorted by the number summoned, appear below.

¹⁴ This is the median or “middlemost” number.

County	N of Summoned Jurors (. = missing)
Armstrong County	.
Berks County	.
Cambria County	.
Centre County	.
Delaware County	.
Huntingdon County	.
Lawrence County	.
Lebanon County	.
McKean County	.
Mercer County	.
Northumberland County	.
Snyder and Union	.
Somerset County	.
Venango County	.
Wayne County	.
Clinton County	600
Potter County	600
Greene County	680
Mifflin County	899
Susquehanna County	900
Wyoming and Sullivan	1080
Clarion County	1100
Columbia and Montour	1200
Elk and Cameron	1350
Warren and Forest	1375
Pike County	1500
Perry and Juniata	1700
Adams County	1800
Bedford County	2000
Jefferson County	2100
Luzerne County	2100
Bradford County	2280
Indiana County	2365
Crawford County	2392
Franklin and Fulton Co.	2500
Blair County	2520
Clearfield County	2675
Butler County	3000
Carbon County	3000
Tioga County	3600
Fayette County	3800
Beaver County	4000
Dauphin County	4500
York County	5200
Monroe County	5500
Washington County	5600
Lancaster County	6400
Lycoming County	6500
Cumberland County	7000
Unknown	8300
Lackawanna County	12000
Schuylkill County	12500
Chester County	25330

Westmoreland County	26670
Northampton County	28208
Lehigh County	30000
Bucks County	35651
Erie County	45000
Montgomery County	51526
Allegheny County	63500
Philadelphia County	286500

Exactly half (23) of the responding administrators indicated the number provided was an estimate, and half reported it was not (23; 46 answering this item). There was no relationship between the number of summoned jurors and whether the administrator was providing an estimate.¹⁵ For most respondents (30 out of 45) this figure corresponded to the period January-December, 2000.

Juror Qualifying and Summoning

Forty administrators reported their counties did use a juror qualification form; four reported their counties did not (Clinton County, Indiana County, Blair County, Bucks County).

After listing the reasons for which a juror can be disqualified in Pennsylvania, we asked administrators if there were any additional grounds on which they disqualified potential jurors in their counties. Nineteen administrators indicated there were additional grounds, but the text they provided listed just excusal reasons, rather than relatively permanent disqualifying reasons.

Of the 40 administrators reporting use of a qualifying form, 17 of those reported mailing it out separately from the summons for duty, and 23 reported mailing it out together. This relationship between qualifying questionnaire and summons is discussed more fully in the section on the documents questionnaire.

¹⁵ Kendall's tau b, a measure of nonparametric correlation, was -.11.

Excusals

We asked administrators about fourteen common reasons for excusing potential jurors, and whether someone could be excused from jury duty in their county for each. If the administrator reported that the excusal was accepted as valid, we went on to ask for how long the excuse exempted the person from jury duty.

How Often Accepted

The proportion of responding administrators who allowed each excuse appears below.

VARIABLE NAME and Excuse Type	N of Responses	Proportion of Responses Allowing
C1ACHILD Child Care Responsibilities	46	.87
C1BELDER Elder Care Responsibilities	46	.93
C1CMED Limiting Medical Condition	45	.98
C1DPHYS Temporary Physical Disability	46	.91
C1EMENT Temporary Mental Disability	45	.91
C1FOUT Temporarily Out of Jurisdiction	46	.91
C1GLAW Law Enforcement Employed	45	.36
C1HMILIT Serving in Military	45	.96
C1IDOCTO Doctor or Dentist	46	.48
C1JSTUDE Student Outside Area	46	.93
C1KPREV Previous Jury Service	44	.84
C1LECON Economic Hardship	45	.78
C1MHARDS Employer Hardship	46	.67
C1NINCON Extreme Inconvenience	44	.57

It appears that the vast majority of responding counties—around 90% or better—allowed excuses for family responsibilities (child or elder care), and for physical, mental, or medical conditions. Two occupations—being in the military, or being a student outside the area—also were recognized as valid by over 90% of respondents. Finally, being out of the jurisdiction temporarily was also widely accepted.

Looking at the excusals in the context of the documents makes it clear that all the excusals accepted as valid do not necessarily appear on the documents the summoned juror receives. In short, there may be several valid excuses, accepted by the county administrators, but not communicated to the summoned jurors.

But once we move past these widely accepted options, we see a lot of diversity in levels of acceptance. Counties were split on two occupations: law enforcement (36% accepting this excuse) and doctor/dentist (48% accepting this excuse). Counties also were somewhat split on two hardship issues. Although 87% reported accepting economic hardship as a valid excuse, only 67% accepted employer hardship, and only 57% accepted extreme inconvenience.

How Long?

For each of these 14 excusals, administrators also reported on the typical excusal period. The table below shows the typical (median) excusal period for each of the common excuses in the questionnaire, as well as the shortest and longest excusal period. Typical excusal periods ranged from three years, for previous jury service, to a year for numerous items.

So, again, we see enormous variation across counties. For every excusal, the shortest period was always a year or less and the longest period was always at least three years. For several the maximum excusal period was five or more years.

Excusal Period Associated with Various Excuses

Variable name and excusal reason	N	Median	Minimum	Maximum
C1AYEARS Child Care Responsibilities	27	2	1	5
C1BYEARS Elder Care Responsibilities	30	1.75	.5	5
C1CYEARS Limiting Medical Condition	32	1	.5	5
C1DYEARS Temporary Physical Disability	34	1	.5	3
C1EYEARS Temporary Mental Disability	32	1	.5	5
C1FYEARS Temporarily Out of Jurisdiction	31	1	.5	3
C1GYEARS Law Enforcement Employed	13	1	.5	5
C1HYEARS Serving in Military	32	2	.5	5
C1IYEARS Doctor or Dentist	17	1	.5	5
C1JYEARS Student Outside Area	33	1	.5	4
C1KYEARS Previous Jury Service	30	3	1	3
C1LYEARS Economic Hardship	26	1	.5	5
C1MYEARS Employer Hardship	24	1	.5	3
C1NYEARS Extreme Inconvenience	18	1	.5	3

Note. Figures are in years. Answers of less than a year were all recoded to .50 years. 5 corresponds to five or more years. Median corresponds to the “middlemost” score. N refers to the N of respondents completing this item.

We also asked about additional excusal reasons counties might use, and several were offered; these included:

- Family death or tragedy
- Occupation other than those already mentioned (clergy, county employee, self-employed, school teacher, nurse, or attorney)
- Lack of transportation
- Previous travel plans (incl. business trip)
- Vacation

A few administrators listed here as excusal reasons factors that are usually labeled as disqualifiers such as being in prison, being elderly, being illiterate or a non-citizen, or, in one case, being deceased.

Volume of Excusals

We asked administrators to report the number of excused potential jurors in a typical year. The number ranged from 80 to over 91,000; the typical (median) volume was 1200. The

counts of excused jurors for those counties reporting counts appear below. The last column indicates whether the number reported is an estimate (1) or not (0). Counties not reporting a number are not shown, as are nonresponding counties.

COUNTY	N Excused	1=Number is an estimate; 0= not an estimate
Greene County	80	1
Potter County	95	1
Clinton County	100	1
Clarion County	240	1
Blair County	300	0
Columbia and Montour	300	1
Wyoming and Sullivan	300	1
Susquehanna County	300	1
Jefferson County	320	1
Carbon County	394	0
Bedford County	400	1
Warren and Forest	410	1
Perry and Juniata	550	1
Elk and Cameron	564	1
Adams County	600	1
Crawford County	682	0
Indiana County	715	1
Franklin and Fulton Co.	1100	1
Monroe County	1200	1
Beaver County	1200	1
Clearfield County	1300	1
Fayette County	1400	1
Lycoming County	1700	1
Dauphin County	1800	1
Lancaster County	1919	1
York County	2000	1
Washington County	2500	0
Schuylkill County	4000	1
Cumberland County	4000	1
Luzerne County	4000	1
Unknown	4200	1
Allegheny County	5051	0
Erie County	6403	0
Chester County	11529	1
Bucks County	21087	0
Montgomery County	32849	0
Philadelphia County	91110	0

A small number of counties reported their excused jurors as a percent of summoned jurors. We calculated the percent for the other counties providing numbers. The percent excused jurors was simply the $[(N \text{ excused} / N \text{ summoned in a typical year}) * 100]$. Those percentages are shown below. For one county the calculation did not make sense (percentage was over 100) so that number is not shown. If the county provided the percentage itself, that is indicated. Nonresponding counties are not shown.

On average, counties reported excusing about one third of summoned jurors (average=33%; median=32%). The lowest excusal rate was 8% (Allegheny County); the highest was Bucks County (59%). Of the 41 counties where either a percentage was provided or we could calculate one, seven counties reported excusing half or more of summoned jurors. The county-by-county figures appear below. These percentages, however, should be interpreted with extreme caution since, as noted above, so many jurisdictions were estimating their numbers of excused jurors.

COUNTY	Percent of Summoned Jurors Excused
Allegheny County	7.95
Greene County	11.76
Blair County	11.90
Carbon County	13.13
Erie County	14.23
Jefferson County	15.24
Potter County	15.83
Clinton County	16.67
Bedford County	20.00
Clarion County	21.82
Monroe County	21.82
Columbia and Montour	25.00
Lycoming County	26.15
Wyoming and Sullivan	27.78
Crawford County	28.51
Warren and Forest	29.82
Lancaster County	29.98
Beaver County	30.00
Westmoreland County	30.00*
Indiana County	30.23
Philadelphia County	31.80
Schuylkill County	32.00
Perry and Juniata	32.35
Adams County	33.33
Susquehanna County	33.33
Lehigh County	35.00*
Fayette County	36.84
York County	38.46
Dauphin County	40.00
Elk and Cameron	41.78
Franklin and Fulton Co.	44.00
Washington County	44.64
Chester County	45.52
Clearfield County	48.60
Lackawanna County	50.00*
Tioga County	50.00*
Unknown	50.60
Cumberland County	57.14
Bucks County	59.15
Bradford County	60.00*
Montgomery County	63.75
Luzerne County	(Number not shown; exceeded 100%)

NOTE. Counties with starred percentages (*) provided those percentages directly; all the other percentages were calculated. The number of excusals was divided by the number of summoned jurors in a typical year and the result was multiplied by 100.

No Shows: Failures to Appear

We asked administrators to report the volume of “no shows” they experienced—the number of jurors who were summoned and not excused, who failed to appear at the courthouse on the date requested. The results appear below. The right hand column indicates if administrators were estimating this number (1=yes;0=no). 34 of 41 answering this last question reported that their figures were estimates.

Volume

The bulk of responding administrators reported numbers rather than percents. The N of FTAs ranged from 8 to 35,651. The typical (median) N of FTAs was 92. In general, and not surprisingly, the number of no shows was lowest in the smaller, rural jurisdictions.

COUNTY	N FTA	AN ESTIMATE? (1=Y; 0=N)
Elk and Cameron	8	1
Pike County	9	0
Beaver County	9	1
Mifflin County	12	1
Tioga County	12	1
Adams County	12	1
Susquehanna County	18	1
Greene County	20	1
Carbon County	22	0
Potter County	25	1
Clarion County	25	1
Columbia and Montour	30	1
Wyoming and Sullivan	30	1
Crawford County	35	0
Washington County	74	1
Warren and Forest	75	1
Perry and Juniata	87	1
Lancaster County	90	1
Franklin and Fulton Co.	95	.
Indiana County	100	1
Dauphin County	100	1
Clearfield County	125	1
Cumberland County	125	1
Bedford County	160	1
Fayette County	160	1
Blair County	180	0
York County	260	1
Unknown	400	1
Luzerne County	400	1
Lycoming County	520	1
Chester County	592	1
Erie County	626	0
Montgomery County	3165	0

Allegheny County	5000	1
Philadelphia County	15000	1
Bucks County	35651	0

Rate of No Shows

Bearing in mind that the FTA numbers are mostly estimates, and thus should be viewed cautiously, we explored FTAs as percentage of summoned jurors. By taking a percentage we can control for the variations in the volumes of summoned jurors in each county, and get the rate of no shows.

We calculated this two ways. The first version ignores excusals and just calculates the FTAs as a percent of those summoned. The second version takes excusals into account. FTAs are divided by what remains after the number excused is subtracted from the number summoned. A county must provide all three numbers—number not showing, number excused, and number summoned—to calculate this second percentage. This second percentage will necessarily be higher than the first one because the denominator is smaller. These two percentages give us an estimate of the seriousness of the problem of no shows in the context of the total volume of jurors processed by each county.

Using the first version of the rate, the percent of FTAs ranged from a fifth of a percent to nineteen percent, and averaged about three percent. Bear in mind, however, that the county whose figures were 19% also reported more excused than summoned jurors. If we ignore this county, the highest score is two counties (Bedford, Lycoming) with 8%, and the “typical” FTA rate is about 2.5%.

Using the second version of the rate, which adjusts for excusals, scores range from less than one percent to almost 17%; the typical (median) score is 4.2%. Three counties out of 31 with reasonable figures exceed 10%. Using this adjusted FTA rate, 14 out of 31 exceed 5%

The FTA rates for the individual counties appear below. Again, these figures should probably be interpreted with extreme caution since so many administrators were just estimating the number of FTAs.

COUNTY	%FTAs-V1 ¹⁶	%FTAs-V2 ¹⁷
Tioga County	.33	.
Pike County	.60	.
Mifflin County	1.33	.
Luzerne County	19.05	(Number not shown) ¹⁸
Beaver County	.22	.32
Carbon County	.73	.84
Adams County	.67	1.00
Elk and Cameron	.59	1.02
Erie County	1.39	1.62
Lancaster County	1.41	2.01
Crawford County	1.46	2.05
Washington County	1.32	2.39
Clarion County	2.27	2.91
Susquehanna County	2.00	3.00
Columbia and Montour	2.50	3.33
Greene County	2.94	3.33
Dauphin County	2.22	3.70
Wyoming and Sullivan	2.78	3.85
Cumberland County	1.79	4.17
Chester County	2.34	4.29
Potter County	4.17	4.95
Indiana County	4.23	6.06
Fayette County	4.21	6.67
Franklin and Fulton Co.	3.80	6.79
Perry and Juniata	5.12	7.57
Philadelphia County	5.24	7.68
Warren and Forest	5.45	7.77
Blair County	7.14	8.11
York County	5.00	8.13
Allegheny County	7.87	8.55
Clearfield County	4.67	9.09
Unknown	4.82	9.76
Bedford County	8.00	10.00
Lycoming County	8.00	10.83
Montgomery County	6.14	16.95

¹⁶ This first version of percent FTAs is just [(N FTAs/N Summoned)* 100]

¹⁷ This second version of percent FTAs takes excusals into account and is [(N FTAs / (N Summoned - N Excused)]*100.

¹⁸ This county reported more excused than summoned jurors, so the percent FTAs, after removing the excused, results in a negative percent

Responses to No Shows

Counties responded in a variety of different ways to summoned jurors who failed to appear. At the lenient end are counties that do nothing, or simply place the person back in the jury pool for re-selection at a later date. Several counties report following up by relying on the court's resources. These follow-ups range from letters or phone calls to scheduling a Rule to Show Cause hearing or a contempt of court hearing. Several counties report relying on the local Sheriff's Office to assist in this matter. Some counties turn it over immediately to the local sheriff. One county reports the sheriff makes a "friendly call" followed by a "not so friendly visit" if needed. Some counties turn it over to the sheriffs after the person has been unresponsive to the court's efforts. For example, one county turns it over to the sheriff if at least three follow up letters get no response. The timing of responses varies as well. One county reports that it will issue a bench warrant, but only after the person has failed to show for three court summons, i.e., three different terms of court. In sum, we see variation in how quickly the courts respond, how severely, and how quickly they turn to the local sheriff's office for assistance, when summoned jurors fail to appear.

A later item on the questionnaire asked administrators to recall if anyone in the last five years had actually been sanctioned for failing to appear for jury duty. Twenty-two out of 45 responding administrators reported that they had sanctioned jurors. When asked how many had been sanctioned, most counties reported 20 or fewer, although one county reported 400 and another 100.

A few examples of serious sanctions appeared. One county administrator reported that a "juror found in contempt of court and jailed two days and given a fine." One county reported a person being asked to serve community service. Several administrators reported using fines, ranging from \$25 to \$150, that in some cases could be purged if the juror showed up for duty on the next cycle. A few counties mentioned being brought before a judge, threatened with more serious sanctions, and told to show up for the next duty cycle.

Incentives

We asked administrators about seven different incentives that could be used to help defray the costs of jury duty, and thus, perhaps, increase citizens' willingness to participate. Of the seven initiatives, only one (free parking) was in use in most counties (74%). Free meals at the courthouse was an incentive used in about one quarter of the locations, but two of these counties noted the meals were free only if the jury was deliberating or sequestered. The other initiatives were in use in only one or two locations.¹⁹ Counties were asked about additional incentives. Warren County reported providing "home baked refreshments" during breaks. Perry County reported providing coffee and tea in the jury room.

¹⁹ Note that some of the incentives offered are mutually exclusive. If a jurisdiction provides free parking, it is not also going to provide discounted parking; if it provides free meals at the courthouse, it is unlikely also to offer discounted means at local restaurants.

Percent Using Various Incentives

Incentive	N Responding	Percent Using
E1ADISCP Discounted Parking	42	4.7%
E1BFREEP Free Parking	46	74%
E1CPTRAN Free Public Transportation	44	4.5%
E1DMEALS Free Meals	45	27%
E1ECHILD Voucher for Child Care	44	4.5%
E1FDAYCA On-site Day Care	44	4.5%
E1GREST Voucher for Local Businesses/Restaurants	44	2.7%

Increasing Public Awareness

Some jurisdictions are trying to increase citizens' recognition of the importance of juries and jury duty. We asked administrators if each of eight different activities had been tried in their locale. Some initiatives proved more popular than others. In decreasing order of popularity, the activities were ordered as follows: public education in local schools, presentations to community groups or workshops, and jury recognition day. We asked about public service announcements separately for each type of outlet. When all the different outlets are added together, we have 44% using one or more outlets for PSAs, which would make this the most popular venue for increasing public awareness. The proportion of respondents using each type of activity appears below.

Public Awareness Activities

Variables Name and Initiative	N Responding	Percent Using
FIARECOG Jury Recognition Day	46	24
F1BPSAR PSA on Radio	46	11
F1CPSAT PSA on Television	46	13
F1DPSAN PSA in Newspaper	46	20
F1EEDUCS Public Education in Schools	46	33
F1FEDUCC Public Education at College	46	6.5
FIGSHADO Shadow-a-Jury	46	11
FIHCOMM Presentation to Community	46	30

When asked what additional strategies were used to increase public awareness, the following items surfaced, each mentioned by one county:²⁰

- Mock trials [in a?] teen court
- Juror information on the Internet web page with general information and cyber court
- Minority recruit[ment] programs

What can be Done To Increase Willingness to Serve?

When asked what could be done to include increased participation among serving jurors from traditionally under-represented racial or ethnic groups, several counties responded. Their answers fell into the following types of responses.

Population of Color is Small

Several counties mentioned that their populations of color were extremely small; several mentioned that it was around 1 or 2 or 5 percent. The current census data (see below) support this view. Given this situation, administrators in these counties anticipate getting more jurors of color only when the population in their locale changes its composition.

List Shift/Multiple Lists

Several counties mentioned that they were moving to use more lists, or were moving to use more representative lists, such as drivers' licenses.

Currency of Addresses

Several counties mentioned problems with keeping track of current addresses, not as a solution, but as an explanation for why assuring representativeness is such a persistent challenge.

Organization Lists

A couple of counties mentioned the possibility of using lists specifically compiled by groups purporting to represent populations of color as a supplement to current lists.

Better Pay

A couple of counties mentioned improving the pay for jury duty, since those who are paid based on hourly wages often "lose money" by turning out for jury duty.

Better Transport

One county mentioned the need for public transportation, and had even contemplated specifying pickup/dropoff points for reporting potential jurors.

²⁰ This list leaves out three different initiatives that were mentioned but were targeted specifically at summoned or serving jurors rather than the public at large.

Challenges Related to Representativeness

Administrators were asked about both formal and informal post-adjudication challenges to the jury array in the past five years. Eight out of 45 (18%) reported one or more formal challenges in the last five years. Seven of the eight reporting there had been a formal challenge specified the number. Three counties reported one challenge, two reported two challenges, and two reported three challenges.

Informal challenges appeared to be slightly more frequent. Ten out of 45 administrators (22%) reported one or more informal post-adjudication challenges. The typical number of informal challenges was 2.5 (median), and ranged from one to fourteen.

Counties reporting an informal challenge were more likely to also report a formal challenge. Half of the counties reporting an informal challenge also experienced a formal challenge within the time frame specified whereas only 9% of those not reporting an informal challenge experienced a formal challenge.

More Details on Processing By Race

We asked administrators to indicate either the number of summoned and serving jurors by race using the following categories: White, Black, Hispanic, Asian, American Indian, and multiracial. Nine administrators supplied numbers. Another 17 provided percentage figures that added to roughly 100.²¹ For the administrators who supplied numbers, we checked to see if the total figure, across different racial groups, was roughly equivalent to the number they had supplied earlier when asked the total number of summoned jurors. In all but one case, it was. For the cases where it did match, we then divided the number summoned in each racial category by the total number summoned, and obtained a derived percentage of summoned jurors for each racial group. Those percentages were then merged with the percentage figures directly supplied by the administrators.

For almost all the administrators, these race figures are estimates. As shown in the table below, for each racial category well over 90% of the responding administrators indicated the figures they were supplying were estimates. Therefore, these figures should be treated with extreme caution.²²

²¹ There were two administrators whose percentages did not add to roughly 100 percent, so those cases were treated as missing.

A few administrators who supplied percentages reported figures like "less than 1 percent" or "less than 2 percent." These were converted, respectively, to 1 and 2 percent. Consequently, for three counties when the percentages were summed totaled slightly more than 100.

²² We also asked administrators to estimate the number of jurors erving by race. We do not report on those figures here given two factors. First, as with the number summoned, almost all administrators reported their figures were estimates. Second, since we did not ask elsewhere in the questionnaire the number of serving jurors, we had no direct way to check that the total number summoned across racial groups was on target. We could have subtracted the number excused from the number summoned, but that would have been a derived number rather than one they provided directly.

Percent Estimated Figures for Summoned by Race

Variable	N Responding	Percent Estimating
H1ASWHES Is the Number of White Summoned Jurors Estimated	23	91
H1BSBLES Is the Number of Black Summoned Jurors Estimated	18	94
H1CSHSES Is the Number of Hispanic Summoned Jurors Estimated	17	94
H1DAASES Is the Number of Asian Summoned Jurors Estimated	12	92
H1EAAIES Is the Number of American Indian Summoned Jurors Est.	12	100
H1FAMUES Is the Number of Multi-racial Summoned Jurors Estimated	15	93

Using directly supplied and derived percentages (see table below) we see that the bulk of summoned jurors for the 25 jurisdictions supplying information, are white. Of the 25, only 8 reported fewer than 95% of their summoned jurors as white. The N responding, the typical (median) percentage, and the minimum and maximum percentages for each percent summoned by race are shown in the table below.

Percent Summoned by Race

	N	Median	Minimum	Maximum
H1ASWHP2 Percent Whites	25	98	60	100
H1BSBLP2 Percent African-Americans	23	1.96	0	18
H1CSHSP2 Percent Hispanic	21	1	0	18
H1DSASP2 Percent Asian	18	1	0	2
H1ESAIP2 Percent American Indian	19	0	0	1.5
H1FSMUP2 Percent Multiracial	19	.29	0	5

Focusing just on the percentage of white summoned jurors, since that was the percent most available, we can compare, for those 17 counties, their estimates of the proportion of summoned white jurors to the portion of their 1999 county population that was white. That information, sorted by increasing percentages of summoned white jurors, appears below.

COUNTY	Percent White Summoned Jurors	Percent White Population in County in 1999
Lehigh County	60.00	94.92
Lancaster County	78.13	95.05
Dauphin County	83.00	80.54
Unknown	90.00	.
Wyoming and Sullivan	90.00	98.62
Beaver County	90.00	92.89
Clarion County	90.91	98.50
Bucks County	91.90	94.20
Bradford County	95.00	98.93
Luzerne County	95.00	97.77
Greene County	95.00	96.39
Washington County	96.43	95.55

Carbon County	98.00	99.13
Indiana County	98.00	97.43
Franklin and Fulton Co.	98.00	96.49
York County	98.00	94.86
Lycoming County	98.46	96.41
Mifflin County	99.00	99.22
Columbia and Montour	99.00	98.71
Tioga County	99.00	98.71
Perry and Juniata	99.12	99.31
Potter County	99.50	99.15
Jefferson County	99.76	99.46
Clearfield County	99.90	99.04
Warren and Forest	100.00	99.15

In three of these 25 counties white jurors are under-represented at the summoning stage by more than ten percent (Lehigh, Lancaster, and Dauphin). Therefore in these three counties populations of color may be over-represented, if these figures are to be believed. Again, it is wise to bear in mind that administrators were almost all estimating these racial breakdowns for summoned jurors. In all of the other counties the administrators' estimates are within ten percent of the census figures.

Overall Racial Context

In thinking about under-representation of populations of color on juries and in the jury selection processes, it is important to consider the overall racial makeup of the various counties.²³

How Are Populations Of Color Spread Across The Commonwealth?

Focusing on the sixty administrative units, your typical county has about 2,596 (median) persons of color.²⁴ Persons of color made up anywhere from .5% of the county

²³ Full 2000 STF-1 Census data are not yet (as of early August) available for the state of Pennsylvania. Race data have been released for redistricting, but these use a large number of different racial categories. Here we used 1999 county level Census estimates. These treat Native Americans, Asians and Pacific Islanders, and African-Americans as "nonwhite" populations. Latino is treated as an ethnicity, not a race, so Hispanics cannot be separated from whites and non-whites in such a way that the white and nonwhite percents of the population add to 100% of the population. In the state in 1999 there were 6,634 white Hispanics, 191,160 nonwhite Hispanics, and 1,391,118 nonwhites where the latter label includes Native Americans, Asians and Pacific Islanders, and African-Americans. Since each county's population of color, plus its white population, must equal 100 percent of its population, the more restrictive but numerically correct approach is to treat populations of color as including just Native Americans, Asians and Pacific Islanders, and African-Americans. We also completed analyses including white Hispanics as well in populations of color. We report figures using this second definition of populations of color, but the reader wants to remember that using this definition will result in the white population and the nonwhite population adding to over 100%. The correlation between the percent of the county that is nonwhite, including just African-American, Native American, and Asian/Pacific Islander, and the percent of the county that is nonwhite when we also add in white Hispanics, is .983, suggesting that the two figures are almost identical when we look at all the 60 administrative units.

²⁴ If we include white Hispanics, the number is 4,059.

population to 48%.²⁵ The portion of each county's population that is of color is shown below, using 1999 Census estimates. Column B lists the percent of each county's population that is of color (Native American +African-American+Asian). Column C lists the percent of color when we also include white Hispanics in the populations of color. Column D lists the county's 1999 population.

A COUNTY	B %POP_COLOR	C +WH_HIS	D 1999 POPULATION
Jefferson County	.54	.84	46086.0
Somerset County	.57	.97	80028.0
Elk and Cameron	.68	.86	39915.0
Perry and Juniata	.69	1.30	66484.0
Mifflin County	.78	1.17	46793.0
Bedford County	.80	1.15	49699.0
Warren and Forest	.85	1.28	48443.0
Potter County	.85	1.42	17115.0
Carbon County	.87	2.20	58759.0
Susquehanna County	.88	1.49	42190.0
Northumberland County	.90	1.69	93163.0
Clearfield County	.96	1.37	80732.0
Clinton County	1.05	1.38	36774.0
Bradford County	1.07	1.59	62146.0
Armstrong County	1.25	1.57	73001.0
Butler County	1.25	1.79	172522.0
Columbia and Montour	1.29	2.08	81245.0
Tioga County	1.29	1.71	41657.0
Wyoming and Sullivan	1.38	2.03	35336.0
Venango County	1.50	1.94	57562.0
Clarion County	1.50	1.85	41651.0
Blair County	1.59	2.05	129937.0
Lackawanna County	1.87	2.56	206520.0
Wayne County	1.90	3.52	46080.0
Pike County	2.10	5.45	41357.0
Lebanon County	2.12	5.26	117856.0
Luzerne County	2.23	3.02	312000.0
Crawford County	2.25	2.73	89109.0
Adams County	2.34	4.33	87697.0
Schuylkill County	2.38	3.20	148788.0
Indiana County	2.57	3.12	87831.0
McKean County	2.57	3.83	45987.0
Westmoreland County	3.01	3.52	370658.0
Monroe County	3.40	6.45	128541.0
Cambria County	3.44	4.31	153766.0
Franklin and Fulton Co.	3.51	4.51	143428.0
Lycoming County	3.59	4.33	116709.0
Greene County	3.61	4.49	42072.0
Lawrence County	4.11	4.57	94508.0
Northampton County	4.36	10.71	259736.0
Cumberland County	4.37	5.29	210663.0

²⁵ If we include white Hispanics, the numbers are .8 % to 54%.

Washington County	4.45	5.27	204888.0
Snyder and Union	4.54	6.33	78421.0
Fayette County	4.58	5.01	143775.0
Lancaster County	4.95	9.51	460035.0
Lehigh County	5.08	11.57	299855.0
York County	5.14	6.91	376586.0
Berks County	5.29	11.54	358211.0
Bucks County	5.80	7.99	594047.0
Huntingdon County	6.03	6.50	44753.0
Mercer County	6.47	7.03	121458.0
Beaver County	7.11	7.94	182687.0
Centre County	7.27	8.67	132190.0
Erie County	7.35	8.87	276993.0
Chester County	9.22	12.04	430001.0
Montgomery County	10.35	11.83	724087.0
Allegheny County	14.69	15.49	1256806.0
Delaware County	15.89	17.14	541502.0
Dauphin County	19.46	22.16	245576.0
Philadelphia County	47.80	53.72	1417601.0

Starting at the bottom, and using Column B, we find five counties whose population is 10% or more nonwhite. These include the two largest cities (Philadelphia and Pittsburgh), two suburban counties directly abutting Philadelphia (Montgomery, Delaware), and Dauphin County which includes Harrisburg. Chester County, abutting Delaware County, and including the city of Chester, approaches 10% populations of color. Ten counties, including Chester, have between 5% and 10% populations of color. The remaining 45 counties have less than five percent populations of color. Of course if we add in white Hispanics, we see higher proportions population of color.

The figures also show that generally in smaller counties, populations of color were a smaller fraction of the community.²⁶

The distribution of populations of color across the various administrative units creates several challenges for achieving racially balanced juries throughout the Commonwealth. In about two thirds of the counties achieving racial balance means locating “rare” individuals—nonwhite jurors—in a population that already is generally small. Many of the counties that have less than two percent populations of color are less than 100,000 in population, and located in generally small-town or rural settings. The administrative personnel assigned to complete jury selection may not have the staff capacity needed to locate these individuals.

Although it is important to achieve racially balanced juries throughout the Commonwealth, it is also the case that the volume of trials is smaller in the smaller population counties where populations of color are a smaller fraction of the population. The larger jurisdictions are more racially mixed, and have larger trial volumes.

²⁶ The nonparametric correlation, Kendall’s tau-B, was .53, which is moderately strong.

Implications For Potential Racial Under-Representation In Jury Selection Processes

The document review and administrative surveys suggest several features of current jury selection operations which may have implications for under-representation of persons of color on juries. It is not known at this time if these implications warrant concern because we cannot document whether these features do in fact influence potential under-representation. Information about race of potential jurors at various stages of the selection process does not appear to be available from the counties.

Population Across Counties

Populations of color constitute a sizable fraction of the population in only about 15 of the 60 counties; in 45 counties the portion populations of color is less than five percent. Of course even in the counties with less than 5% populations of color, those persons should be represented on the juries. But assuring that representation, when the numbers are so low, could prove a challenging task in those locations.

Counties follow one of a number of different models in summoning potential jurors. Those different processes lead to several variations that could have implications for under-representation.

Variations in Juror Summoning Lead Time

We have documented variations in the amount of time between initial contact with a potential juror and that juror actually being due in the courthouse to serve as a juror. Increased lead time may make under-representation more likely on the assumption that lower income households are more likely to be households of color, and lower income households are less likely to own homes, and thus more likely to move or to move more frequently. This makes them harder to track over a longer period of time.

Variations in Time Served

Some counties require more extensive jury service than others. More extensive service creates greater hardship for low income wage earners who are more likely to depend upon hourly wages. Given that income lost may be larger, or may be a larger budget share, lower income households may try harder to avoid serving, especially if the service period is long.

Lists Used and Update Frequency

The type of list used may result in under-representation, although previous work suggests that all lists do this to a roughly comparable extent. But the less frequently the lists are updated, the more likely the lists are to lose track of lower income, more mobile households, who also are more likely to be populations of color.

Variations in Excusing and Disqualifying

We see variation across counties in what excusals are permitted. The implications of this variation for under-representation are not exactly clear.

Variations in Amenities

Counties vary in how expensive they make it for jurors to get to court. Some provide mileage; one provides licensed day care.

Most importantly, the information gathered confirms the work group's suspicion that little data are available on race, that counties generally do not compile juror attributes, and if they do compile them, they very rarely examine those data. Because we have no data on race of jurors summoned it is not possible to know at this time how significant the under-representation problem is.