

CROSSING THE 'DIGITAL DIVIDE': USING THE INTERNET TO IMPANEL JURORS IN TRAVIS COUNTY, TEXAS

Mary R. Rose
*Michelle Brinkman*¹

Introduction

Since March 2002, prospective jurors in Travis County (Austin), Texas, have been able to provide information on their qualifications for jury service and to receive jury orientation by logging on to an Internet site known as "I-Jury." The I-Jury system allows prospective jurors to bypass the traditional jury assembly room and report directly to a courtroom for voir dire questioning. In addition, jurors report to voir dire on a date that has been coordinated as much as possible with their individual schedules.

This paper describes the I-Jury system and how it became part of the already-distinctive procedure Travis County developed for impaneling jurors for specific cases. We also present demographic data from juror questionnaires taken from both

1. Mary R. Rose is Assistant Professor of Sociology and Law, University of Texas at Austin. Michelle Brinkman is Chief Deputy, Travis County District Clerk. Address all correspondence to Mary Rose, Department of Sociology, 1 University Station A1700, Austin, TX 78712-1088; or by e-mail to mrose@utexas.edu. The authors gratefully acknowledge Paula Hannaford-Agor, Geoff Gallas, Dale Kasperek, William Kelly, Elissa Krauss, and Shaye Stevens, who provided helpful comments on previous drafts. We also thank Lydia Garcia, Danikae Doetsch, and Shaye Stevens for assistance with data coding. Lastly, the I-Jury system discussed in this paper would not have been possible without the efforts and vision of the Travis County District Clerk, Amalia Rodriguez-Mendoza.

pre- and post-I-Jury time periods. Although I-Jury use differs across racial groups—with African Americans and Hispanics comparatively less likely to use I-Jury than are whites and Asian Americans—I-Jury has not compromised the racial representativeness of jury panels in Travis County.

We conclude that under the right circumstances, I-Jury offers jurors a popular convenience, saves courts money, and does not undermine the fair cross-section requirement for jury panels.

Background

There are no jury assembly rooms in the courthouses of Travis County (Austin), Texas. Until the 1990s, large-sized courtrooms in the various courthouses served as sites for impaneling—that is, the assembly of qualified jurors who are later randomly assigned to courtrooms for case-specific questioning. Three different court systems within the county (district, county, and Austin’s municipal courts) each independently used this courtroom-based approach to impaneling.

During the 1990s, the jury management systems for the separate courts were consolidated and placed under the auspices of a single office. As a result, the size of the jury pool available for impaneling increased. In some weeks, as many as 1,000 jurors were available for trial assignment across the different court systems. In these circumstances, using courtrooms as jury assembly rooms was impractical, as it tied up valuable courthouse space for several days.² In response, Travis County developed an alternative method to give jurors their panel assignments. The county conducted a mass impaneling session in an off-site facility on a biweekly basis, and it used this system successfully for several years. However, as we describe below, unexpected events called for additional innovations.

Since March 2002, much of the juror impaneling has taken place through an online system called “I-Jury.” Those who use I-Jury report directly to the courtroom to which they have been assigned for jury selection (or “voir dire”) questioning. Thus,

2. The largest courtroom had a maximum occupancy of approximately 200 people, so impaneling would last up to a week in order to accommodate 1,000 jurors.

prior to voir dire an individual does not have to leave work or home in order to appear at a courthouse for jury service. I-Jury has been in place for more than five years and has won awards for innovation.³ Anecdotal comments from jurors reveal positive impressions of the system from its users.⁴

Travis County is home to more than 900,000 people⁵ and has rural areas and a mid-size metropolitan area with Austin, the state capital, as its center. As is true of Texas as a whole, Hispanics are the largest minority group in the area—making up approximately 20 percent of jury-eligible adults but about one-third of the total population.⁶ African Americans constitute about 8 percent of jury-eligible citizens in the county.⁷

Within Texas, Travis County is distinctive. Home to the flagship University of Texas, 43 percent of residents in the county have at least a bachelor's degree, compared to 25 percent of people statewide.⁸ The area also has a substantial technology sector, with major employers like Dell, Advanced Micro Devices, and Samsung, to list but a few. On the one hand, this highly educated, tech-savvy population makes I-Jury an attractive and feasible option for many citizens. On the other hand, the architects of I-Jury in the district clerk's office,⁹ judges and

3. Texas Association of Counties "Best Practices Award" 2004 and Center for Digital Government "Best Application Serving the Public Award" 2004.

4. In the remarks section of the Juror Impaneling Questionnaire, jurors have said, for example: "Thank you so much for providing the opportunity to report for duty online. I really appreciate that the county has created such a time-saving and logical approach to jury selection." Juror Impaneling Questionnaire (on file with author). "I feel this is so convenient to complete and it doesn't take a lot of your time. I am so happy you are considerate of the public's time and commitments. Thank you." Juror Impaneling Questionnaire (on file with author). "This is the coolest thing I've ever seen. THIS is what computers are for, to make long, dull things like jury selection quick and easy. It's great to see the web put to such good use as well. Bravo!" Juror Impaneling Questionnaire (on file with author). Jurors also have the opportunity to provide feedback on I-Jury at the end of the case on which they have served; judges relay negative feedback to the jury management office. To date, judges have not relayed any negative comments particular to I-Jury.

5. U.S. CENSUS BUREAU, 2006 AMERICAN COMMUNITY SURVEY DATA PROFILE HIGHLIGHTS: TRAVIS COUNTY, TEXAS, http://factfinder.census.gov/servlet/ACS_SAFFacts?_event=Search&geo_id&_geoContext&_street&_county=travis&_cityTown=travis&_state=04000US48&_zip&_lang=en&_sse=on&pctxt=fph&pgsl=010.

6. *Id.*

7. *Id.*

8. *Id.*

9. In Travis County, the jury office is under the auspices of the district clerk's office, which also handles district court records and filings.

some members of the criminal defense bar were concerned that the system might disproportionately exclude from juries people who are less educated and who have less technical prowess. This could threaten jury representativeness because of a so-called “digital divide,” a term used to describe the fact that low-income earners and minority group members have less Internet access and skill compared to middle- and upper-middle class, white individuals.¹⁰ Before examining the issue of racial representativeness we explain how I-Jury works in practice.

Juror Qualification and Panel Assignment in Travis County

The distinctiveness of Travis County’s approach to jury impaneling is most evident when considering how summoning and impaneling proceed in other areas of the United States. In a typical system, a given individual is notified by first-class mail that he or she has been summoned for jury service.¹¹ The mailing likely includes a questionnaire through which individuals attest to their statutory qualifications for service (e.g., a U.S. citizen, over 18, fluent in English, not a convicted felon).¹² In some locations, the summons also announces the date on which the person must appear at the county courthouse; in other areas, potential jurors are summoned to appear in court only after they have returned their completed qualification questionnaire. Jurors seeking an exemption from service or a short-term postponement contact the court to make their re-

10. See generally Robert W. Fairlie, *Race and the Digital Divide*, 3 CONTRIBUTIONS OF ECONOMIC ANALYSIS AND POLICY 1 (2004), reprinted in THE B.E. JOURNAL OF ECONOMIC ANALYSIS AND POLICY, available at <http://www.bepress.com/bejeap/contributions/vol3/iss1/art15>; KAREN MOSSBERGER, CAROLINE TOLBERT & MARY STANSBURY, VIRTUAL INEQUALITY: BEYOND THE DIGITAL DIVIDE (2003); Karen Mossberger, Caroline J. Tolbert, & Michele Gilbert, *Race, Place, and Information Technology*, 41 URBAN AFFAIRS REV. 583 (2006); PIPPA NORRIS, DIGITAL DIVIDE: CIVIC ENGAGEMENT, INFORMATION POVERTY, AND THE INTERNET WORLD-WIDE (2001).

11. See, e.g., G. THOMAS MUNSTERMAN, PAULA L. HANNAFORD & G. MARC WHITEHEAD, JURY TRIAL INNOVATIONS (1st Edition) (1997) (describing summoning practices and showing a sample summons); ROBERT G. BOATRIGHT, IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES: A REPORT WITH RECOMMENDATIONS 126 (1998) (giving a sample summons).

12. See GREGORY E. MIZE, PAULA HANNAFORD-AGOR, & NICOLE L. WATERS, THE STATE-OF-THE-STATES SURVEY OF JURY IMPROVEMENT EFFORTS: A COMPENDIUM REPORT. (2006), available at <http://www.ncsconline.org/D%5FResearch/cjs/state-survey.html>; DAVID B. ROTTMAN ET AL. STATE COURT ORGANIZATION 1998, at 263-272 (2000), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/sco98.pdf> (describing juror qualifications across different states).

quests.¹³ Otherwise, jurors reporting on the day in question go to a large juror assembly room.¹⁴ From this room prospective jurors are randomly selected to go through voir dire questioning in a particular courtroom. Sometimes, an individual may appear at a jury assembly room only to wait around for several hours—or even a full day—before learning that he or she will not be needed on a trial or even for a voir dire. Many factors can lead to a juror leaving service without being called for voir dire, serving as a juror, or being challenged; substantial proportions of summoned jurors fall into these groups.¹⁵

In 1994, Travis County consolidated the district court jury management system (which assigned jurors to felony, civil, and family cases in district court and handled jury assignments for small claims, evictions, truancy, and some class C misdemeanors in justice court) and the county court system (which handled impaneling for some civil matters, as well as class A and B misdemeanors that may result in jail time). The county also later consolidated with the municipal court system (which handles class C misdemeanors punishable by fine only, and cases involving local civil or criminal ordinances). Because courthouses in the county lacked any reserved physical space for jurors to assemble and wait for courtroom assignment, after the first consolidation the county rented the City Coliseum, a large centralized facility, from the City of Austin. The district clerk’s office used this facility on a single day every other week in order to impanel all jurors across the different court systems.

13. In some areas (e.g., Hansford County, Texas, population 5,369) courts ask jurors to make an in-person appearance to request a hardship exemption or postponement (personal communication, on file with the authors). More typically, especially in larger-sized communities, jurors call or send a letter to request a service exemption or accommodation.

14. The common experience of jurors spending many hours or days in large juror waiting rooms is well known. So widespread is the practice that the National Center for State Courts’ Jury Trial Innovations manual includes a chapter on “How to Relieve Juror Boredom.” G. THOMAS MUNSTERMAN, PAULA L. HANNAFORD-AGOR & G. MARC WHITEHEAD, JURY TRIAL INNOVATIONS 39 (2d ed. 2006) (discussing options for how to outfit a jury waiting room).

15. In the federal courts, on average, 39 percent of petit jurors summoned in 2002 were either not selected or excused following voir dire (the range across districts was 6.5 to 71.2 percent). Marika Litras & John R. Golmant, *A Comparative Study of Juror Utilization in U.S. District Courts*, 3 J. EMPIRICAL LEGAL STUDIES 99, 106 (2006). In New York State approximately 82 percent of jurors who appear for service do not end up sitting on juries. Telephone interview with Unified Court System Jury Support Office, staff member (Dec. 18, 2007).

At this mass impaneling session, which typically lasted one and a half to two hours, assembled jurors were qualified for service, clerks and judges were on-hand to hear exemption requests, jurors received jury orientation (presented by a jury clerk and a judge), and jurors left with a concrete result: assignment to a particular panel—that is, they were told where and when to make a second appearance for a specific voir dire. Under this system jurors had to appear at the impaneling session, but they were also likely to save time at their subsequent appearance because they were instructed to arrive at court close to the true start time for proceedings (e.g., a noon appearance time for a voir dire slated to begin at one o'clock), thus allowing them to go to work or take care of other responsibilities prior to arriving. Certainly, just as in other systems, trial schedules would change, and some cases would be canceled at the eleventh hour. Jurors were given a phone number to call the night or morning before their appointed time. At that point they learned further information about their scheduled appearance, including whether their service was needed at all.¹⁶

Apart from limiting the amount of time jurors spent on impaneling and waiting for a voir dire to start, the consolidation and mass impaneling provided the jury clerks with an opportunity to do something truly unique: they could *ask jurors* to identify convenient times for jury service. During the mass impaneling session people were assigned to trials occurring across a wide time span—for example, an upcoming four-week or six-week period. If one week was not convenient, but the remaining three were, the clerks could assign jurors to trials during the available time period and avoid a conflict. This accommodation is not possible in traditional systems in which a summons announces a particular appearance date, and jurors must either change their schedules to accommodate the assignment or request a postponement. The volume of cases from the three court systems meant that clerks could almost always find a panel that coordinated with a juror's schedule.

16. In a recent article, Paula Hannaford-Agor used the term “multiple voir dire” to describe a system like Travis County's. *Jury News: A New Look at Term of Service*, 22 THE COURT MANAGER 33, 35 (2007).

Such flexibility is extremely valuable for prospective jurors because particular weeks in a given month can be busier than others. For example, month-end reports at someone's place of business may mean that the last week of a month is far less convenient than other times; for others, personal or work-related travel schedules may be heavier at some points during the month.¹⁷ To accommodate jurors' personal schedules during the impaneling process, part of the mass session was devoted to having jurors identify one or two weeks in a given time period (e.g., over the next four to six weeks) when they could be available for jury service. Clerks then made assignments in accordance with the cleared weeks. For example, people who reported no conflicts during the upcoming month stood in one line and were handed their assignments. Those with limitations (e.g., "not free the week of June 8th") went to other lines. People who did not have at least one available week during the period could postpone, but clerks instructed them to clear their schedules when they returned in three months to repeat impaneling.

The mass impaneling system depended on judicial support. To be successful, the jury system managers needed to know the timing and required panel size for the specific trials to which jurors could be assigned during the session. In theory, such advance notice is always possible. Judges have to calendar cases for trial well before the start date in order, for example, to schedule courtroom space and to coordinate jury trials with the judges' other responsibilities. Judges, however, must be willing to routinely provide this information to the jury clerks. If judges balk at providing jury trial plans (and any changes to them) in a timely manner, or if they forget to do so, the system will fail.

In Travis County, the move to the off-site facility concretely benefited judges by freeing up valuable courtroom space (i.e., space previously devoted to impaneling), thus motivating

17. For example, the first author was called to jury service several years ago, and at the time, she was regularly commuting out of state as part of her job. She had airline tickets purchased well in advance of these travel days. When she appeared at the impaneling session itself (which happened to coincide with a week that she was in Texas), she submitted the sole two available weeks out of the next six. The court assigned her to a municipal court panel scheduled for the time she was in Texas.

judges and the judicial leadership to work with the jury management office to make the mass impaneling session run smoothly. As we next describe, the desire to avoid returning to an on-site courtroom assembly room also created support for an online impaneling system.

Necessity and the Invention of I-Jury

In 1998, Austin voters approved a plan to renovate the City Coliseum and transform it into a community events center. The renovation left the Travis County court system without a site for the mass impaneling sessions. Initially, the prospects of finding an appropriate alternative were dim. Other places were far more expensive to rent, were not centrally located, or lacked sufficient parking or mass transit access. If the county could not find a practical and affordable alternative, jury impaneling would have to return to a courtroom within one of the courthouses.

Coincidentally, the Chief Deputy to the District Clerk (this paper's second author) had been mulling over an idea that a relative had presented to her in 1997 after he had participated in a mass impaneling session. Expressing dismay over the procedure's inefficiency, he asked why he could not have used e-mail to do everything that the appearance entailed—which was essentially a process of exchanging information. She initially thought it impractical to swear in jurors and give appropriate orientation via the Internet; however, she continued to give the idea some thought. Given the threat that the county would not be able to find a suitable place to conduct the mass impaneling sessions, she discussed the possibility of using an Internet system with the district clerk (her superior), who supported investigating whether it could work.

Apart from questions concerning how the system would be designed and how it would function, the district clerk also needed information about the extent to which it could substantially alter the demand for in-person impaneling (i.e., would such a system mitigate the problem created by the closure of the City Coliseum?). In 2000, the district clerk surveyed jurors at some of the mass impaneling sessions. The survey explained that the City Coliseum would be closed for renovations and

that the county was considering having people impanel online. The questionnaire informed jurors that the system would provide Internet access at the courthouse, public libraries, or various other places throughout the community for people who did not have access from home or work. Respondents were asked about their preferences for retaining the in-person system versus allowing people to impanel online. The response was overwhelming: 85 percent said they would opt to go online, and just 15 percent of jurors said they would rather impanel in person than online. Of the former group, most all (90%) had Internet access at home or at work; only 10% said they would rely on a public site such as a library. Thus, the system would likely lower the size of the mass impaneling sessions, and most people would not have to make special trips to public sites to impanel. The district clerk shared the survey data when proposing the system to judges.

By and large, judges, including the presiding administrative judge, favored the idea of piloting the Internet program. Some expressed skepticism about its feasibility, but none thought their reservations should prevent the clerks from at least trying to develop and pilot the project, which the district clerk dubbed "I-Jury." Given that an online system might help avoid (or at least limit) the impact of returning to courthouse impaneling, the potential benefits were substantial. In addition, the costs of the project were low, involving primarily the \$250 necessary to acquire a secured site certificate (which attests to the site's data security procedures) and the time of county staff who worked on developing the system. These developers included the district clerk, the chief deputy, the jury office manager, and three other critical county employees: the director of records management, the county's webmaster (who worked in records management) and the county's e-mail system administrator. The director of records management and the webmaster programmed the site, which involved creating the design layout and utilizing common programming methods to transform the data provided on the web forms into a single e-mail that went to an I-Jury e-mail account. Indeed, the heart of the initial version of I-Jury was this e-mail account and its sub-directories, which the e-mail coordinator helped design and automate using tools available in the county's e-mail program, Groupwise

(by Novell). Through the e-mail account, clerks managed the tasks associated with impaneling, including: automated acknowledgement of disqualifications, statutory exemptions, sorting qualified jurors based on availability, and notifying jurors of their assignment. As we describe later, I-Jury has since been upgraded. The system described here is the one in place during the time periods relevant to our analysis of jury composition before and after I-Jury.

How I-Jury Works in Practice

At its inception, the district judges and the district clerk set requirements on the system. All people would continue to receive the initial summons through first-class mail, and the I-Jury system had to be optional (i.e., in-person impaneling was retained).¹⁸ Those who used I-Jury received the same accommodations (e.g., schedule coordination and opportunities to request exemptions) as they would through in-person impaneling, and the I-Jury website provided juror orientation.¹⁹ Additionally, at the time of start-up, the county had to conduct a media campaign to educate people about I-Jury, as well as an outreach program to provide Internet access through local churches and libraries. I-Jury began its pilot phase in March 2002 and has been in continuous use ever since.

Under the I-Jury system, jurors receive a mailed summons which includes the I-Jury Internet address.²⁰ The I-Jury website starts with a welcoming greeting. The next two web pages provide an overview of what to expect from online impaneling.²¹ As we discuss later, Travis County has since upgraded the sys-

18. Eventually the county found a place to hold in-person impaneling outside of the courthouse—an events center located just north of downtown which met the county’s budget, accessibility, and parking requirements.

19. During the mass impaneling sessions, orientation had been provided through presentations by the jury clerks and a judge. Online orientation is done primarily through a link to the film, “The American Juror” (which is now also screened at the in-person sessions), as well as through Frequently Asked Questions. Additionally, in the initial system jurors received more specific orientation information through the series of subsequent notices they received about their jury panel assignment.

20. I-Jury Online Impaneling, <http://www.co.travis.tx.us/ijury>.

21. In the initial system, jurors were told at this point to expect to be assigned a service date range—that is, a set of dates within which the juror’s ultimate panel assignment will take place—within six days.

tem so that a person now receives a panel assignment at the conclusion of the I-Jury session. The juror is then directed to web pages that capture identifying information such as name, address, and contact information.²² The next web pages contain questions that screen for qualifications.²³ Disqualified jurors are excused while qualified jurors have the option of screening for excuses based on legal exemptions.²⁴ Qualified jurors are asked to identify schedule conflicts.²⁵ Next, jurors complete a standard questionnaire and, just as they would do by signing a form at the mass impaneling session, they certify the truthfulness of their responses.

In the initial system, once people submitted their information, the I-Jury website generated an e-mail that was delivered to the I-Jury e-mail account; only jury clerks had access to this account. Thus, there was no database of juror information stored on the World Wide Web, and protecting data from inappropriate access—i.e., hacking—required no additional steps other than those already taken to protect county e-mail accounts. The system also contained several automated features that managed the inbox of the e-mail account, such that jury clerks never even saw some of the incoming e-mails. For example, if a prospective juror indicated on the I-Jury website that he or she was not qualified for jury service, the subject line of the e-mail automatically generated by the I-Jury website contained a special “tag,” or a unique code that was specific to each dis-

22. People can choose to be contacted further by providing an e-mail address. The system asks users if they would also like to provide a second e-mail address, which increases the means through which people can be contacted. People are not required to have an e-mail address in order to use the system (particularly in the newer system), and even if they have an e-mail address, they can choose not to provide it to I-Jury. Any user who does not give an e-mail address has assignments sent via first-class mail. Approximately 3 percent of jurors do not provide an e-mail address.

23. See TEX. GOV'T CODE ANN. § 62.102 (2007) (stating statutory juror qualifications, including: 18 years of age; citizenship of Texas and county of service; sound mind and good moral character; literate; candidate has not served as a juror during the preceding three months; candidate has not been convicted and is not under indictment or other legal accusation for misdemeanor theft or felony).

24. See TEX. GOV'T CODE ANN. § 62.106 (2007) (stating statutory juror exemptions, including: 70 years of age; legal custodian of a child under 10 years of age; students; certain state employees; members of the military).

25. Currently, qualified jurors are asked to consider their schedule over the next 75 days. As has been the practice in the mass impaneling sessions, jurors with too many conflicts are automatically postponed for 90 days and instructed to clear time for jury service.

qualification. The presence of this tag in the subject line told the system to route the e-mail into a designated folder, which then automatically generated a confirmation e-mail to be sent to the disqualified juror (if that person provided an e-mail address when using I-Jury).²⁶ A similar system tagged e-mails from people who exercised a statutory exemption.

For individuals whose e-mails did not contain disqualification or exemption tags, the e-mail went into a main inbox which jury clerks managed. The body of each incoming e-mail was simply a layout of all the information the juror provided on the website's pages (e.g., name, address, contact information, age, sex, occupation, prior jury service, etc.). The jury clerks reviewed the e-mails to confirm certain issues, such as whether the person was a resident of both the city and the county (these people are eligible for assignment to any court), just the county (ineligible for municipal court assignment), or just the city (ineligible for district or county court assignment).²⁷ The clerks also inspected the jurors' schedules and, based on the information provided, manually routed the e-mail to folders that matched the jurors' availability—thus creating an analogy in the virtual world to the lines these people would have been standing in had they attended the mass impaneling session. In this system, an individual with no conflicts might have been routed to a folder housing those who had time available, for example, across an upcoming three-week period; other folders would hold eligible jurors for trials commencing on other dates.²⁸

Once an individual was routed to a time period folder for panel assignment, the system automatically sent the juror a con-

26. See *supra* note 22. For I-Jury users who did not supply an e-mail address, the e-mail went to the main I-Jury e-mail box but the field in which an e-mail address would appear said "none." This flag told the jury office staff that the person could not be contacted via e-mail. All subsequent communications with such jurors—regarding trial assignments, exemptions, or disqualifications—were done via first-class mail and, for some trial assignments, through a telephone reminder.

27. The City of Austin has incorporated areas that stretch into two neighboring counties, Williamson and Hays.

28. As with the mass impaneling system, clerks could nearly always find a trial to accommodate a person's schedule. A substantial percentage of jurors listed no conflict dates at all. For example, we reviewed panels scheduled for the middle of summer, when vacations usually pose a conflict, and 36 percent of people assigned to these panels listed no conflicts. During other months, this percentage would likely be 40 percent or more. Even those who list a conflict usually indicate only a few problematic days or a single conflicted week.

firmation e-mail explaining that a specific panel assignment would follow.²⁹ The juror's specific court assignment, including additional instructions, was sent via e-mail two weeks prior to the start of the service date.³⁰ This second e-mail provided essential information about reporting to court and, depending upon the practices of the assigned court, it included a special phone number to contact to learn about any last-minute changes to trial schedules. Jurors confirmed receipt of the assignment (by sending a reply e-mail) and then reported in accordance with the instructions in the assignment. Jurors also received a reminder e-mail within one week of their scheduled appearance.³¹

To manage two different impaneling systems (in-person and I-Jury), some critical issues had to be addressed in order to ensure a fair jury system. In particular, jurors who elected to use I-Jury could do so at any time during a three-week time frame, with an end-date specified on the summons. These people were assigned to panels (via the e-mail folder system) continuously during this three-week period. By contrast, jurors who elected to attend the impaneling session did so at a scheduled date and were all assigned on that date. To the extent that there were any demographic differences between those who use I-Jury and those who do not—an issue we discuss in detail below—a strict random assignment to panels and available trials would likely have resulted in non-random demographic variations among panels. For this reason, the county tracked the ratio of I-Jury users to non-users on a regular basis, and clerks assigned appropriate proportions of people to each of the jury panels.³²

By itself, the ratio of users to non-users is a telling indicator of the success of the I-Jury system. Although the survey data indicated that a substantial percentage of people would

29. See *infra* Figure 1. Sample Initial E-mail That an I-Juror Receives.

30. See *infra* Figure 2. Sample E-mail for an I-Juror Who Has Been Impaneled.

31. If the juror did not reply to this reminder, the jury clerk's office phoned them.

32. The ratio affected the e-mail folders to which jury clerks assigned qualified jurors. Once folders reached a certain size, the folder was automatically marked as "Full." Based on trial demand and the proportion of jurors using I-Jury, jury clerks could alter how many slots were available in each folder for a given time period before the folder was marked as full.

prefer online impaneling, the district clerk and chief deputy conservatively told judges that, in practice, they expected perhaps half of those summoned to use the system. However, from the beginning, this estimate proved overly conservative. At its inception in 2002, 70 percent of people opted to impanel via I-Jury.³³ In 2006, that figure had grown to 87 percent, and data from the first quarter of 2007 put the rate of I-Jury use at 90 percent.³⁴

The I-Jury system was designed to handle contingencies in the demand for jurors. In a traditional system, in which courts have a pool of jurors waiting nearby in a jury assembly room, a judge may be able to call up additional jurors if the judge did not, for example, correctly estimate the panel size necessary for a trial, or if some event during the voir dire required dismissal of a panel, such as the accidental disclosure of information that prospective jurors should not have heard. Further, some jury trials in Texas—for example, in eviction cases—occur on short notice.³⁵ As there is no pool of jurors sitting in a courthouse in Travis County, the system has had to incorporate a way to request additional jurors at the last minute. To do so, some people are placed on different types of contingency panels. “Supplemental” panels are formed in order to increase the number of jurors assigned to a district court on short notice (e.g., when the venire for a district trial is inadequate); “reserve” panels allow county courts to hold an additional short trial that might not have been anticipated; and “on-call” panels are formed for evictions and other emergency or short-notice jury trials. Jurors assigned to each of these panels receive special instructions. For example, some supplemental jurors are told to reserve an entire three-week period for a civil district court case and are instructed to routinely call in to see if they are needed.

33. That is, 70 percent of people who were not excused due to disqualification or exemption. Persons who are disqualified or exempt may register their excuse via mail, telephone, or I-Jury. Over a third of excused jurors use I-Jury to register such excuses.

34. See *infra* note 45, (describing how we estimated the number of users and non-users). Although precise estimates are not available, the usage rate appears to be even higher following the latest upgrade to I-Jury, as the number of people attending in-person impaneling is in decline.

35. Protests to evictions must be heard within three days of being filed, and parties in these cases can opt for a jury trial. See TEX. GOV'T CODE ANN. § 28.035 (2007).

On-call jurors are told to reserve a week in their schedule and to expect a phone call if they are needed. Thus, should an eviction case arise, or should a voir dire run short of jurors, these people can be summoned to appear on short notice, typically by the next day.

The I-Jury system has offered a number of benefits. Jurors who use the system do not have to take time away from work or home to attend a mass impaneling session. Addressing time management issues can create substantial improvements in people's views about serving.³⁶ The county has also benefited. With fewer people attending the in-person impaneling, the number of impaneling sessions scheduled each year declined from 24 (at the start of the system in 2002) to 10 (at the end of 2007), for a cost savings of over \$30,000.³⁷ I-Jury has also reduced the number of postponements. In January of 2002, 24% of all summoned jurors were postponed; in January of 2007, that figure was 4%. We believe that the reduction likely stems from the fact that people no longer have to make time for two separate appearances (i.e., the mass impaneling session and voir dire).

As we have also noted, these benefits came with little cost. I-Jury was easily incorporated into an existing system that coordinated jurors' personal schedules with a centralized schedule of upcoming trials, and the county did not have to contract with a private company to design the system.

I-Jury and Jury Panel Composition

One remaining and longstanding concern about online impaneling is whether the system negatively affects the racial representativeness of jury panels. Aware of the "digital divide"

36. See Shari Seidman Diamond, *What Jurors Think: Expectations and Reactions of Citizens Who Serve as Jurors*, in VERDICT: ASSESSING THE CIVIL JURY SYSTEM 282, 286 (Robert E. Litan ed., 1993) ("one of the primary dissatisfactions voiced by jurors is that their time has been wasted"); see also, Paula Hannaford-Agor, *supra* note 16 at 33 (stating "citizen convenience" as the "first and foremost" reason to restrict term of service to the shortest period consistent with the court's needs). Hannaford-Agor notes that the call to create appropriate terms of service for jury trials is part of Principle 2(c) of the new A.B.A. Principles for Juries and Jury Trials. *Id.*

37. This figure primarily represents the cost to rent an impaneling facility. The county also saves money indirectly because the staff and judges conducting the impaneling session are able to attend to other matters.

when they developed I-Jury, the district clerk and chief deputy considered the possibility that differences in Internet familiarity and use between the rich and the poor and between whites and some minority groups³⁸ could affect panel composition. Judges raised similar concerns when authorizing the pilot, and members of the criminal defense bar also informally discussed this issue with jury office personnel as details of the proposal became known.³⁹

I-Jury could affect the representativeness of panels because the system might differentially reduce barriers to service. Jury panels in Texas tend to under-represent racial and ethnic minorities, particularly Hispanics,⁴⁰ in part because minority groups have lower incomes and face more economic barriers to service.⁴¹ I-Jury only partially addresses this general issue, since it eliminates only the need to appear at impaneling. Additionally, because of the digital divide, groups who are already over-represented on jury panels might disproportionately use I-Jury and find it easier to serve, thereby serving more often than they would have before I-Jury. By contrast, those traditionally under-represented might not see any change in the ease of service. This could further widen any existing racial gaps in jury participation.

Although a concern of the district clerk's office, and of judges and attorneys, there was no way to observe the effects of I-Jury on the representation of minority groups without actu-

38. See *supra* note 10.

39. There have not been formal legal challenges to the I-Jury system. Since implementation of I-Jury, the second author has been called to testify in four cases in which a criminal defendant made general claims about the inadequate representation of minority groups in the jury pools for those cases. She did not testify about I-Jury, but rather about the reasons why the pool might not match the Census profile of the county, on which defendants had based their discussion of panel discrepancies. For example, demographic differences in residential mobility and disqualifications based on English proficiency, or felony status could make the pool of qualified jurors different from the basic Census profile. Defendants have not succeeded in any of these challenges. For a description of how impaneled jurors in Travis County compare to Census figures, see *infra* note 49.

40. See, e.g., J. Ray Hays & Stacy Cambron, *Courtroom Observation of Ethnic Representation Among Jurors in Harris County, Texas*, 85 PSYCH. REP. 1218 (1999); Rob Walters et al., *Are We Getting a Jury of Our Peers?* 68 TEXAS B. J. 144, 145 (2005); Robert Walters & Mark Curriden, *A Jury of One's Peers? Investigating Underrepresentation in Jury Venues*, 43 JUDGE'S J. No. 4 at 17 (A.B.A. Fall 2004).

41. See generally HIROSHI FUKARAI ET AL., *RACE AND THE JURY: RACIAL DISFRANCHISEMENT AND THE SEARCH FOR JUSTICE* (1993) (discussing race-based attrition in service).

ally implementing the system and then systematically analyzing whether panel composition changed over time, in particular whether differences in participation between whites and other groups increased following the start-up of I-Jury. To undertake this analysis, we compared the racial composition of jurors impaneled in 2005 and 2006 to those impaneled in 2002, before I-Jury was implemented.⁴² We reviewed more than 22,000 juror questionnaires, spanning the time period from January 2002 and October 2006.⁴³

The standard juror questionnaire provided a blank field for people to self-report their race. We coded each juror's open-ended response into one of several distinct categories: white, African American, Hispanic, Asian American, Native American, mixed-race, and "missing information."⁴⁴ (Only one per-

42. Several aspects of this analysis deserve mention and clarification. First, Internet proficiency and use could vary by factors besides race (e.g., age). The focus here was on race because of its centrality in the history and jurisprudence of jury panel composition; see, e.g., FUKARAI ET AL., *id.* and Peter A. Detre, *A Proposal for Measuring Underrepresentation in the Composition of the Jury Wheel*, 103 YALE L.J. 1913 (1994). Sex is also a cognizable, protected category for purposes of forming jury panels. *Taylor v. Louisiana*, 419 U.S. 522, 533, 537 (1975). However, as we report below, we have no evidence that men and women differ in Internet use (see *infra* note 47) and therefore have no reason to believe that I-Jury has altered the proportion of men and women on jury panels.

For simplicity, the term "race" is used to encompass Hispanics as well as African Americans, whites, or Asian Americans, even though the U.S. Census Bureau classifies terms like "Hispanic" or "Latino" as denoting an ethnicity (i.e., Spanish culture or origin), not a race. According to scholars of race and demography, "(t)he growing tendency among journalists, researchers, and the public is to treat Latinos as a *de facto* racial group . . ." Ann Morning, *Keywords: Race*, 4 CONTEXTS 44 (Am. Soc. Ass'n Fall 2005).

Finally, this article refers to the unit of analysis as "jury panels," which refers to the *aggregation* of numerous individual trial panels (or "venires"). That is, we examined the racial composition of the total set of people who were assigned to trials before and after I-Jury. Because sub-samples from this larger group will naturally vary to some extent, the composition of venires in any particular trial might have differed from the figures reported below.

43. Travis County did not systematically collect data on the racial composition of jury panels until 2002. Effective January of that year, the Texas Legislature authorized the State Supreme Court to formulate a standard juror questionnaire for all courts in the state and required that race be one of the questions included.

44. Although the questionnaire indicated that request for this information was mandated by state law, a subset of people left the space blank or wrote answers that could not be coded. Answers that were not coded included any that were illegible, as well as non-responsive answers such as "American," "no," "Human," "N/A," "none of your business," and "Homo Sapien." For the 2006 samples, missing values were less than 2 percent of the sample; this figure was far higher in the 2002 sample, an issue discussed in the section that analyzes jury panel representativeness across the two time periods (see *infra* note 52). At all time

cent of respondents described themselves as Native American or as mixed-race, and due to this small sample size, we omit them from the analysis reported below.) The vast majority of answers were straightforward and easy to code, even though people in the same category often used many different terms (e.g., “Chicano,” “Latino,” “Hispanic,” and “Mexican-American” were all coded “Hispanic”). People who elected to respond in terms of ethnicity or nationality—e.g., “Chinese,” “Vietnamese,” “Irish,” “Scot,” “German,” “Italian,” “Slavic”—were coded into the racial group most closely associated with that ethnic or national origin.

There are 6,126 “pre-I-Jury” questionnaires from January and February of 2002. The “post-I-Jury” group includes three time periods, two of which are from 2006: 4,690 questionnaires from January and February of 2006; and 7,011 from August through October of that year. In January of 2006 juror pay in Texas increased from up to \$12 per day to \$40 a day. To control for any demographic shifts that may have been unique to 2006, we also examined 4,235 questionnaires from the months of March and September of 2005.

I-Jury Use and Juror Race

The concern that I-Jury will lead to under-representation of racial minorities depends crucially on the assumption that use of I-Jury varies across racial groups. If under- and over-represented groups use I-Jury at the same rate, then no group enjoys any relative advantage (fewer barriers to service) in relationship to another. To examine whether an association exists between race and I-Jury use, we analyzed the data from the post-I-Jury periods.⁴⁵ Table 1 presents the results for 2006.⁴⁶

periods, the most frequent reason that a questionnaire was coded as “missing” on race was because the person left the space blank.

45. The second author performed the coding for the project. Apart from examining the race of the juror, she tracked whether the person used the in-person or I-Jury system for impaneling. I-Jury use was evident from the questionnaire itself because these questionnaires were printed from the e-mail system, whereas in-person impaneling sessions jurors wrote directly on the questionnaires.

46. See Table 1. Self-Reported Race and I-Jury Use.

Table 1.
Self-Reported Race and I-Jury Use

	White	African American	Hispanic	Asian American
% of total sample	75	7	15	3
% among I-Jury users	78	6	14	3
% of group who used I-Jury	87	69	75	86

Note: N = 11,617 impaneled jurors from 2006. For test of race by I-Jury use: $\chi^2 = 308.80$, d.f. = 3, $p < .0001$.

The first two rows contrast the distribution of race in the total sample with the same distribution among I-Jury users. Whites were over-represented among I-Jury users (78 percent) compared to their total representation in the jury pool (75 percent). African Americans and Hispanics were slightly under-represented among I-Jury users (a disparity of one percentage point for both groups). Although these disparities may not seem substantial, the different patterns of use across racial groups are made clearer by tracking what percentage of each group used the I-Jury system. The bottom row of Table 1 lists these proportions and shows that over 85 percent of whites and Asian Americans used I-Jury. By contrast, Hispanics' and African Americans' usage rates were 75 percent or less. A chi-square test of association between race and I-Jury use is highly statistically significant ($p < .0001$).⁴⁷

Although there are clear differences in usage rates across the racial groups, a review of the data from 2005 indicated that the gaps narrowed over time. Usage rates among whites in 2005 were consistent with the 2006 data, with 87 percent using I-Jury.⁴⁸ By contrast, 71 percent of Hispanics made use of I-Jury in 2005, compared with 75 percent in 2006. African Americans experienced the largest increase in use of I-Jury: In 2005, just 59 percent used the I-Jury system, compared with 69 percent in 2006.

47. Equal proportions of men and women—86 percent each—opted to use I-Jury in 2006.

48. The rate for Asian Americans in 2005 was 92 percent. The fluctuation in rates between 2005 and 2006 most likely reflects their small sample size in 2005 ($n = 119$ jurors).

Thus, our data show that in 2006 substantial majorities of *all* groups opted to use the I-Jury system rather than attend the in-person impaneling sessions and, further, the digital divide in use has narrowed. Nevertheless, the data also confirm the more basic supposition that racial minorities were not using the Internet-based system at rates equivalent to whites.

Jury Panel Representation Before and After I-Jury

Having shown that use of I-Jury differs by race, we turn now to the important question of whether there is a concomitant decline in the racial representativeness of panels after introduction of I-Jury. Table 2 herein presents our first analysis of this question, in which we examined all questionnaires that had no missing data for race. According to these results, jury panels have become modestly *more* diverse over time. Whites—the historically over-represented group on jury panels—constituted 80 percent of the members of jury panels in 2002 but just about three-quarters of panel members by 2005 and 2006.⁴⁹ The association between time period and racial distribution is statistically significant ($p < .0001$). The discrepancy between the 2002 and the later periods accounts for this association. When we omit the 2002 data and analyze only the three post-I-Jury periods, race and time period are not significantly associated: $\chi^2 = 5.82$, d.f. = 6, $p < .45$. In other words, the three post-I-Jury time

49. Compared to Census data, even the more diverse panels in the 2006 samples over-represent whites by about seven percentage points. According to 2000 Census Bureau figures, adjusted where possible for juror qualifications (e.g., citizenship, an age range of 18 to 70), non-Hispanic whites are 68 percent of Travis County; Hispanics, 21 percent; African Americans, 8 percent; and Asian Americans, 3 percent. Thus, Hispanics are the least well-represented among minority groups on jury panels, a pattern that is consistent with other large counties in Texas. See, e.g., Hays & Cambron, *supra* note 40; Walters & Curriden, *supra* note 41. There are likely multiple reasons for Hispanic under-representation, including greater residential mobility among some segments of the Hispanic community. See, e.g., Walters & Curriden, *supra* note 40 at 19. In other analyses of Travis County, the second author found that about 26 percent of undeliverable summonses went to people with Hispanic surnames. Michelle Brinkman, A STUDY OF COMMUNITY FAIR CROSS SECTION REPRESENTATION OF THE JURY VENIRE IN TRAVIS COUNTY, TEXAS UNDER THE I-JURY PROCESS, FINAL REPORT TO PHASE III COURT EXECUTIVE DEVELOPMENT PROGRAM, 50-51 (April 1, 2007) www.ncsconline.org/D_ICM/programs/cedp/papers/Research_papers_2007/Brinkman_JuryDemographics.pdf. (describing the analysis of undeliverable summonses, as well as how we arrived at the above estimates of the jury-eligible population of Travis County).

periods have equivalent levels of diversity, even after the increase in juror pay in 2006.⁵⁰

Table 2.
Racial Representation on Jury Panels
Across Three Time Periods

	N	Percent of Total by Race			
		White	African American	Hispanic	Asian American
January and February, 2002	5,302	80	6	12	2
March and September, 2005	4,235	76	7	14	3
January and February, 2006	4,556	74	8	16	3
August-October, 2006	6,896	75	7	16	3

Note: Table excludes those "missing" on race. Due to rounding, percentages may not sum to 100. A chi-square test of association between time period and race is significant: $\chi^2 = 65.39$, d.f. = 9, $p < .0001$.

Although these results raise the tantalizing possibility that I-Jury *improved* jury panel representativeness, from these data alone, we cannot conclusively link I-Jury to such a shift. This is primarily because we have only two months of data for the pre-I-Jury time period, and our analyses do not account for everything that changed between 2002 and 2006.⁵¹ In addition, an unanticipated aspect of the data for 2002 makes it less precise than the data for later periods: A large proportion of people failed to report race data in 2002—fully 13 percent of the sample. By contrast, in 2006 just two percent failed to respond to the race question.⁵² With respect to missing data, the most plau-

50. See Table 2. Racial Representation on Jury Panels Across Three Time Periods.

51. A single period of time may be unusual because natural fluctuations will produce extreme values, but such short-term extreme trends tend to become less extreme over time. This concept is known as "regression to the mean" or "statistical regression." THOMAS D. COOK & DONALD T. CAMPBELL, *QUASI EXPERIMENTATION*, 52-53 (1979). Also, the shift across time could reflect some other unmeasured factors, such as historical changes that affect groups differently (called an interaction between "history" and "selection"). *Id.* at 73-74.

52. Although we cannot fully account for the high levels of missing data in 2002, it is clear that people were more likely to refuse the race question during in-

sible assumption is that the data in Table 2 offer correct estimates for the racial distribution of panels in January and February of 2002 because, in all likelihood, whites and non-whites were equally likely to omit race data.⁵³ However, if just 379 of the 796 people (48 percent) who failed to report race were white, then the proportion of whites at the 2002 time period would be 75 percent, a value similar to the proportions for 2005 and 2006.

In all, we can confidently make the quite conservative assertion that racial representation on jury panels has not been harmed following the introduction of I-Jury. African-American and Hispanic jurors did not use I-Jury as much as white and Asian-American jurors; however, majorities of all groups take advantage of the system, and by itself, the more convenient In-

person impaneling than via Internet impaneling. In the January-February period of 2006, for example, four percent of questionnaires from the mass impaneling were missing race data, whereas only one percent of the I-Jury sample had missing values. Because a majority of people use I-Jury, the proportion of missing values will systematically decrease when people who might have omitted the question during the in-person session are less likely to do so when using the Internet. The precise reasons for the in-person versus Internet impaneling difference on reporting race are unknown.

53. The data presented in Table 2 are consistent with a pattern of response in which missing cases are randomly distributed across the racial groups. In contrast, there are two theoretical “endpoints” to the range of estimates for white jurors in 2002. On the one hand, if *all* the missing cases came from whites, the percentage of whites on the panels would be 82 percent; African Americans, 6 percent; Hispanics, 11 percent; and Asian Americans, 1 percent. If, by contrast, *no* whites failed to report race, and only minority group members did so—and did so in proportion to their distribution in Travis County—then the resulting values would be as follows: whites, 69 percent; African Americans, 10 percent; Hispanics, 19 percent; and Asian Americans, 3 percent. We, of course, view either of these extreme cases skeptically, especially the latter analysis which, if accurate, would mean that in 2002 Travis County jury panels nearly perfectly represented whites and *over-represented* African Americans—an outcome that would be a notable first in the literature on jury panel representativeness. Hays & Cambron, *supra* note 40; Walters & Curriden, *supra* note 40.

We also have uncovered no study showing that in a situational context like jury service impaneling, minorities will be more likely than whites to leave a race question blank, or vice-versa. Situations in which African Americans are disproportionately likely to omit race data involve those in which an individual might fear discrimination and believe that, but for the disclosure on a form, others might not learn their race (e.g., a loan application; see JASON DIETRICH, MISSING RACE DATA IN HMDA AND THE IMPLICATIONS FOR THE MONITORING OF FAIR LENDING COMPLIANCE, Office of the Comptroller of the Currency Economic and Policy Analysis Working Paper, No. WP2001-1, 13, available at <http://www.occ.treas.gov/econ.htm>). This does not characterize the jury selection process. Thus, the most reasonable assumption is that the estimates in Table 2 are largely correct for January-February 2002—that is, the missing values are most likely distributed randomly across the racial groups.

ternet system did not entail increased participation among an already-over-represented racial group (whites). Indeed, if the 2002 data correctly represent jury panel composition before I-Jury began, and if no other factor accounts for the change in panels, then the greater convenience that I-Jury provided to all jurors may have actually increased panel diversity. Jurisdictions who consider adopting an I-Jury system should develop ways to test for this possibility by carefully measuring panel composition at multiple periods both before and after the innovation.

I-Jury, Version 2

Having established the feasibility and popularity of I-Jury, the district clerk and Travis County's Information and Telecommunications Services (ITS) department developed a major upgrade to I-Jury, which the county implemented in October 2007.

In the upgraded version, a computer program assigns jurors randomly to a jury panel taking place during the dates of availability listed during the I-Jury session. This assignment is presented to the juror at the conclusion of I-Jury impaneling, thus eliminating e-mail (or first-class mail if no e-mail address is provided) as the sole method for communicating a juror's service dates and assignment. The juror may elect to have the details of this assignment sent to multiple e-mail addresses and also can go online at a later date to look up those same details. People who do not provide an e-mail address have the assignment mailed to them.

To allow jurors to search for their trial assignment at a later time, the new system stores but three items of juror information on the Internet: a juror's date of birth, the juror number (listed on the person's summons), and the trial assignment. Jurors must enter both their date of birth and juror number to find the assignment; if they do not know one of those two pieces of information, they are instructed to phone the jury clerk's office to get further information. Otherwise, all remaining information provided by the juror during the I-Jury impaneling process is sent to a secure database on a server that is not accessible via the Internet (and is only accessible to jury clerks). Clerks use this database to manage trial assignment; the e-mail folder sys-

tem—to which clerks manually assigned jurors to panels—has been entirely eliminated. Future phases of the upgrade will further streamline administrative functions for staff, provide Internet access to last-minute instructions that jurors presently must call to obtain, and incorporate other improvements recommended by I-Jury users through the online feedback component of the site.

Travis County views its I-Jury system, including these upgrades, as an open source and has determined that it will be available at nominal or no cost to any court in other counties that wish to use it.

Conclusion

For the last decade, Travis County jury officials have responded to the absence of a centralized jury assembly room by developing novel approaches to impaneling, of which I-Jury is but one aspect. The impaneling process in Travis County recognizes and takes account of jurors' busy schedules—most simply, by asking jurors to indicate when service would be convenient for them. For those opting to use I-Jury, jury service is even more convenient because users report directly to jury selection, without leaving work or home to report for jury impaneling.

I-Jury has been an immensely successful addition to the jury impaneling process. At present, at least 90 percent of all eligible jurors—i.e., people who respond to a summons and are qualified and able to serve—use the I-Jury system. Although the proportions of Hispanics and African Americans who use I-Jury are lower than the rates for whites and Asian Americans, strong majorities of all these groups make use of the more convenient impaneling process, and the “digital divide” in I-Jury use shows signs of narrowing. Most importantly, we find no evidence that I-Jury has created wider gaps between whites and minorities in jury panel participation. In all, I-Jury has reduced costs to the court and to jurors, and such benefits have not come at the expense of jury panel representativeness.

We recognize that other jurisdictions might not implement a system like I-Jury as successfully as Travis County did. Schedule accommodation and I-Jury work well in a highly con-

solidated court system such as Travis County's, in which a single office controls panel assignment for all courts and judges are motivated to participate in the system by reporting their trial schedules as quickly and accurately as possible. Larger cities and counties with more complex court systems may find it more difficult to coordinate jury management in this way.

Some of I-Jury's success undoubtedly stems from the high levels of education among the citizens and the fact that Austin has a vibrant technology sector, with large segments of the population comfortable using the Internet. Even for those who do not have Internet access at home, Austin has multiple places where people can find free access to Internet-ready computers, including libraries, some religious organizations, and even in some retail outlets.⁵⁴ This technical sophistication extends to the Travis County work force. The start-up costs for I-Jury were negligible, but this was largely attributable to the fact that the county's records management director, webmaster and e-mail administrator developed and organized the technical aspects of the system. Other areas may not have such in-house expertise.⁵⁵

Although technical sophistication can be a barrier to implementing a system like I-Jury, it bears repeating that Travis County adopted commonly-utilized web programming (which translates inputted data into an e-mail message) and e-mail management techniques (involving automated routing and replies) in devising the system. Further, Travis County considers itself a resource for other jurisdictions that may be interested in developing a system like I-Jury.

In all, the experience of Travis County reveals that given the right circumstances, I-Jury provides a popular, low-cost convenience to jurors, and it does not threaten the integrity of the juries on which these people serve.

54. For example, Schlotzsky's, a prominent delicatessen chain based in Austin, offers free Internet access in several locations.

55. In addition to technical expertise, local culture will likely determine how comfortable court administrators feel about incorporating the Internet into the jury management process. A survey of local courts found that less than 20 percent provided juror orientation information online and about half that percentage allowed people to check their service status through the web. See, MIZE ET AL., *supra* note 12, at 20 ("Although web-based technology is ubiquitous in most areas of contemporary life, local courts do not appear to have embraced it for jury management purposes").

FIGURE 1. Sample Initial E-mail That an I-Juror Receives

Re: Juror, Ima (JURY DUTY BETWEEN JUNE 18 - JULY 6)
From: iJURY iJURY (iJury@co.travis.tx.us)
Sent: Mon 6/04/07 10:38 AM
To: ima_juror@hotmail.com

Thank you for using iJury. We have received and approved your registration. Your trial assignment will be sent to you at the email addresses you provided. You do not need to report in person until you receive this assignment.

IMPORTANT: Your service is scheduled to occur between the dates listed in the subject line. If you omitted listing a previously scheduled conflict not related to your work for those dates, you must let us know within the next SEVEN DAYS. Your service dates become final after seven days and CANNOT BE CHANGED by our office. If you have previously been rescheduled prior to these dates, we will not be able to accommodate any additional conflicts.

You can expect your actual court assignment about 1 to 2 weeks before you report to the judge. This assignment cannot be changed without the consent of the judge to which you are assigned.

WHAT YOU NEED TO DO NOW:

1. Do not schedule other conflicts during your service dates.
2. Inform others (such as your spouse, boss, or co-workers) about your jury service dates so they do not schedule anything for you during this time.
3. Watch for your court assignment, which will be emailed to you about one to two weeks prior to your report date.
4. Occasionally husbands and wives receive jury summonses at the same time. If you share an email address with your spouse, and your spouse has a jury summons, call the jury office when you receive your assignment to determine whether the assignment is meant for you or your spouse.

For more information, visit the jury website at:

www.co.travis.tx.us/district_clerk/jury/jury_duty.asp

If you have any questions or concerns, please let us know by replying to this message, and thank you for your service to this community.

Amalia Rodriguez-Mendoza
District Clerk

FIGURE 2. Sample E-mail for an I-Juror Who Has Been Impaneled

From: **417th District Court** (417th.districtcourt@co.travis.tx.us)
Sent: Mon 6/04/07 10:47 AM
To: ima_juror@hotmail.com

417th District Court Jury Assignment

VERY IMPORTANT: YOU MUST CONFIRM THAT YOU HAVE RECEIVED THIS E-MAIL IMMEDIATELY BY REPLYING BY E-MAIL STATING YOUR FULL NAME

ANTICIPATED REPORT DATE/TIME: **Monday, June 18, 2007 at 1:30 p.m.**

You must call 555-5833 at 10:00 a.m. that Monday to confirm your appearance time.

NOTE: Appearance times will not be available before 10:00 a.m.

JUDGE: Hon. Austin Jurist, 417th District Court
BUILDING: Room 500 Courthouse, 1000 Guadalupe St.
TELEPHONE: 555-5833

Dear Juror:

Your summons response has been reviewed, and you are now qualified to serve as a juror and have been assigned as designated above for jury selection in a particular trial. Please note the following:

YOUR LEGAL DUTY: You **MUST** report as directed. Failure to report may result in a special appearance before a judge and a fine of up to \$1000.

IMPORTANT: BEFORE COMING TO THE COURTHOUSE, CALL 555-5833 to confirm your report date/time. You may avoid an unnecessary trip to the Courthouse.

DO NOT SCHEDULE ANY ADDITIONAL ACTIVITIES STARTING ON OR AFTER THE ANTICIPATED REPORT DATE LISTED ABOVE. This is to ensure your availability for the anticipated trial period. The conflict dates you submitted on your reporting form were accommodated, and this trial assignment should not interfere with those activities. We recommend you write this jury assignment on your personal calendar immediately as a reminder.

WE ARE UNABLE TO CHANGE OR RESCHEDULE THIS ASSIGNMENT. You are expected to report as directed above. If a health emergency arises that prevents you from reporting, please call 555-5833 as soon as possible.

UNFORTUNATELY, THERE IS NO RESERVED PARKING FOR JURORS AT THIS COURTHOUSE. We encourage you to use Capital Metro's 'Dillo service for transportation. You can contact Capital Metro at 474-1200 or <http://www.capmetro.org> for more information on this free service. You are welcome to make other transportation arrangements as best fit your needs. Allow sufficient time for the trip to the courthouse.

EXPECT TO GO THROUGH SECURITY SCREENING when you report. The security system is similar to that found at the airport. We recommend you leave behind pocketknives or any other sharp or pointed objects.

YOU HAVE NOT YET BEEN SELECTED TO BE A JUROR. You are reporting for jury selection. If you are concerned that serving as a juror will cause you economic hardship, you will have the opportunity to bring this issue to the attention of the judge.

BRING A COPY OF THIS ASSIGNMENT when you report to the courtroom. This will help eliminate any confusion over your assignment.

Most importantly, **THANK YOU** for performing this essential service for our community.

Austin Jurist, Judge, 417th District Court

Amalia Rodriguez-Mendoza, District Clerk