

APPENDICES

Appendix A

Appendix A

- The Jury Project, Report to the Chief Judge of the State of New York (March 31, 1994) and Periodic Updates
- Five Years of Jury Reform: What Jurors Are Saying, Citizens Jury Project (July 2000) and Periodic Updates
- Report to the Chief Judge and Chief Administrative Judge, Committee of Lawyers to Enhance the Jury Process (January 1999)
- ABA Standards (1993)
- Report on Civil Voir Dire (1995)
- Jury Trial Innovations, Munsterman and Hannaford
- Jury Service in NY State: A Guide for Employers and Employees
- Civil Voir Dire Guide (UCS)
- NY State Unified Court System- Jury System Overview
- Panel Size Guidelines, June 18, 1990 (Attachment to Crosson Memo)
- UCS 114 – Civil Voir Dire Jury Selection Data Form and Statistics, September 19, 2003
- UCS 117 – Criminal Voir Dire / Trial Study Form and Statistics, 2002/03
- Judiciary Law § 128.8(b) (Telephone Stand-by System)
- UCS 133 - Criminal Voir Dire Questionnaire
- UCS 137 - Civil Voir Dire Questionnaire
- Juror Exit Questionnaire and Statistics, 2002
- Executive Summary, UCS Data for Civil and Criminal
- UCS Draft Guidelines for Language Screening
- “Language-Qualifying Juries to Exclude Bilingual Speakers,” Marina Hsieh, Brooklyn Law Review, pp. 1181-1206
- Trial Juries: Who Conducts Voir Dire, State Court Organization 1998, Table 41, pp. 273-277
- 2003 Third Judicial District, District Rules, pp. 29-32
- “Be Cautious of the Quiet Ones,” Gregory E. Mize, Voir Dire, Vol 10, Issue 2, Summer 2003, pp. 8-13
- “On Better Jury Selection: Spotting UFO Jurors Before They Enter the Jury Room,” Gregory E. Mize, Court Review, Spring 1999, pp. 10-15
- One Trial Policies and Guidelines, LA County Bar Association, www.lacba.org/q/showpage.cfm?pageid=2066, accessed September 19, 2003
- Jury Patriotism Act, American Legislative Exchange Council, www.alec.org, accessed September 19, 2003

“Fulfilling the Promise of the Jury System,” Victor E. Schwartz and Cary Silverman, Litigation Management, Spring 2003, pp. 40-43

“Expectations of Privacy,” Mary R. Rose, Judicature, July/August 2001

“Safeguarding Juror Privacy,” Paula Hannaford, Judicature, July/August 2001

“Making the Case for Juror Privacy,” Paula Hannaford, SJI

Judiciary Law § 840.6 Supreme Court, Appellate Division, Third Department Rule (Disclosure of Jury Lists)

Putnam County Juror Utilization Report, Irene Schech, Commissioner of Jurors, Putnam County, OCA document

Juror Parking Survey, Internal OCA Document, April 2003

OCA Proposed Legislation and Memorandum in Support (2003) Re: Juror Disqualification

Administrative Order of the Chief Administrative Judge, regarding Rules of the Chief Administrator, § 128.6-a Postponement and Excusal from Jury Service

“Jury Duty? Prepare for Rejection,” Susan Saulny, NY Times / Metro Section, September 8, 2003

“Juries on Trial,” The Post-Standard, Jim O’Hara, Syracuse, NY, September 10, 2003

“A Legal Discrimination,” Gregory E. Mize, The Washington Post, October 8, 2000

“Designer Juries Are Made for Shabby Justice,” Marc Fisher, The Washington Post, Metro, October 14, 2000

“Inside the Jury Box,” Henry Kopel, The Washington Post / Close to Home, October 29, 2000

“A Just Compromise on Juries,” Peter H. Wolf, The Washington Post / Close to Home, December 3, 2000

“The Jury Patriotism Act: Making Jury Service More Appealing and Rewarding to Citizens,” Victor E. Schwartz and Cary Silverman, The State Factor, ALEC, April 2003

Jurors Utilized from January to December 2002, Putnam Jurors, Standby Information

“Commission On The Jury Hears Concerns At Buffalo Public Hearing,” Robbi Hess, The Daily Record, September, 2003

“Innovative Jury Trial Practices,” Hon Joseph D. Valentino, Daily Record (Rochester), September 11, 2003

“Jury Booty, Trends in Technology Column,” Tim Mazzucca, Washington Business Journal, May 30- June 5, 2003

“Some Thoughts from Martin B. Adelman,” State Bar Committee on Jury Selection Issues

“The Fate of Peremptory Challenges,” Herald Price Fahringer, New York Law Journal (Perspective column), November 4, 1993

“Judges Seek More Flexibility Over Civil Trials,” Maft Gryta, The Buffalo News, September 18, 2003, C-6

“Root Canal or Jury Duty? The Lafter, Hands Down,” Judie Glave, The Staten Island Advance, May 18, 2003

“A Judge’s Perspective on Jury Reform From the Other Side of the Jury Box,” Ch. J. Judith S. Kaye, The Judge’s Journal, Fall 1997, pp. 18-21, 52

OCA, Office of Court Research Statistics

Citizens Jury Project, Fund for Modern Courts - Top Juror Concerns, Manhattan & Brooklyn (4/3/00-7/3/03)

Letter from Stephen J. Singer, Co-Chair, Crim Cts Sec, Queen County Bar, dated June 12, 2003

Letter from Tanya Hill, US Attorney, EDNY, dated July 24, 2003

Letter from Hon Stanley L. Sklar, Chair, Board of Justices, First Judicial District, August 1, 2003

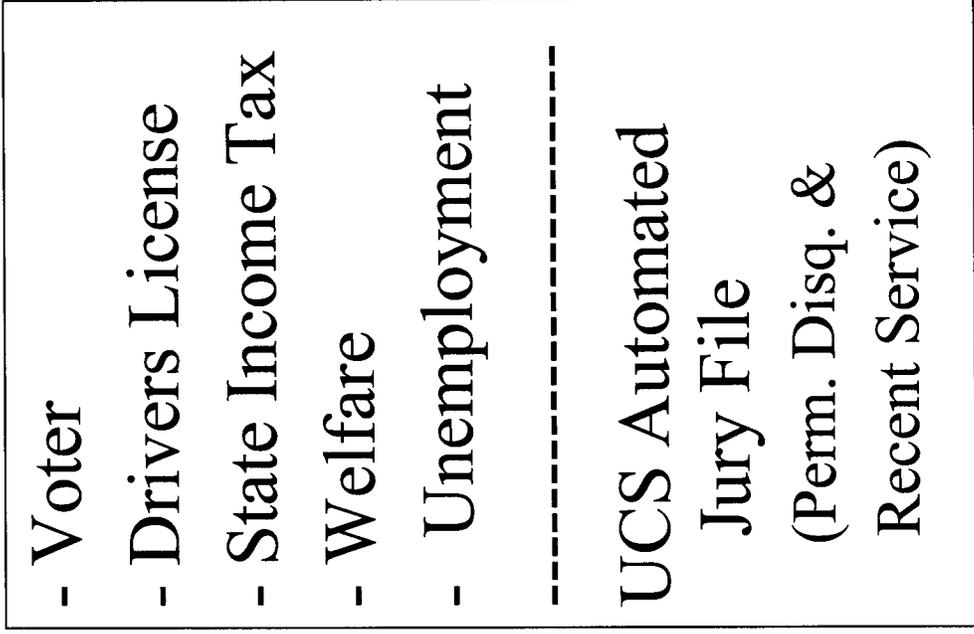
Letter from Robert M. Baum, The Legal Aid Society, November 17, 1993

Letter from Arthur Norman Field, Chair, New York State Bar Association, Ad Hoc Committee on the Jury System.

Appendix B

New York State Jury System

Source List Process



- Voter

- Drivers License

- State Income Tax

- Welfare

- Unemployment

UCS Automated

Jury File

(Perm. Disq. &

Recent Service)

Standardize
&
Correct
Addresses



Eliminate
Duplicates

Prospective List

• Annually

• Centrally

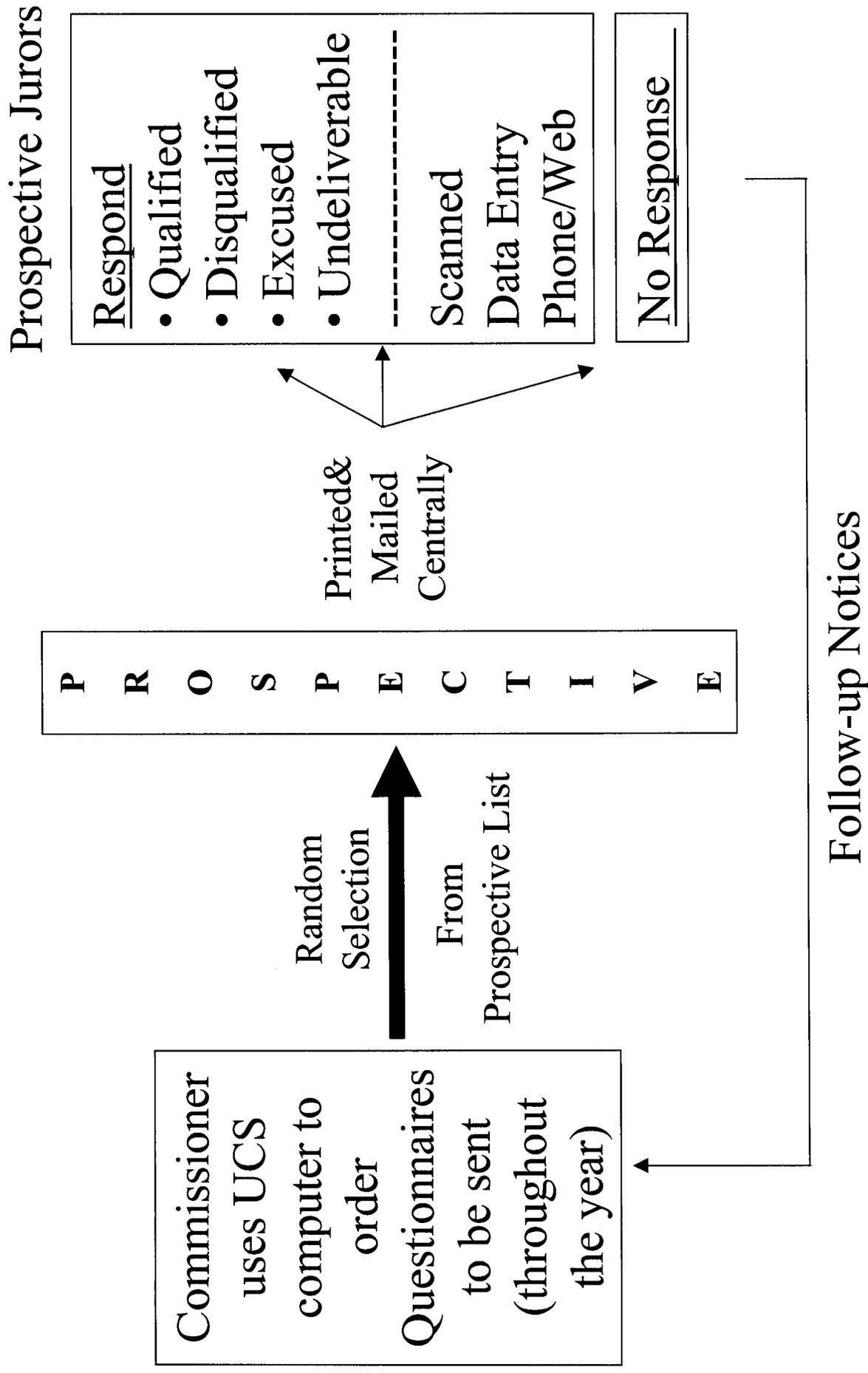
Appendix C

Response and Qualification Rates in 2002

County	Initial Response Rate	Final Response Rate	Initial Qualify Rate	Final Qualify Rate
Bronx	31%	62%	17%	29%
Kings	46%	72%	16%	26%
New York	48%	73%	16%	24%
Albany	75%	87%	33%	39%
Onondaga	73%	89%	34%	40%

Appendix D

Qualification Process



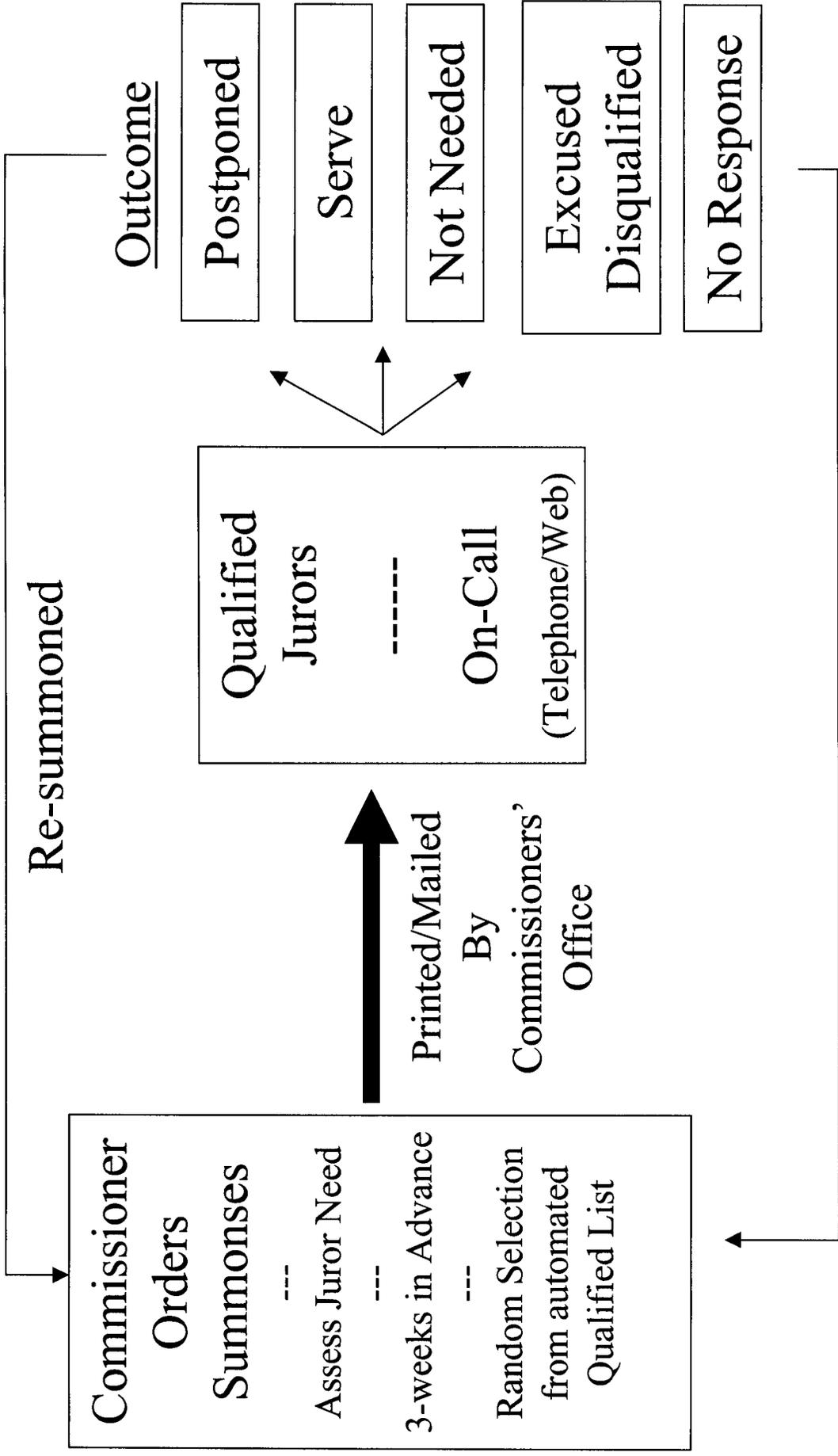
Appendix E

Summoning Rates in 2002

County	Serving Rate	Postpone Rate	No Show Rate
Bronx	30%	43%	7%
New York	35%	50%	15%
Albany	45%+	35%	6%
Onondaga	45%	32%	8%

Appendix F

Summoning Process



Re-summoned

Outcome

Postponed

Serve

Not Needed

Excused

Disqualified

No Response

Qualified
Jurors

On-Call

(Telephone/Web)

Printed/Mailed

By

Commissioners'

Office

Commissioner
Orders

Summons

Assess Juror Need

3-weeks in Advance

Random Selection

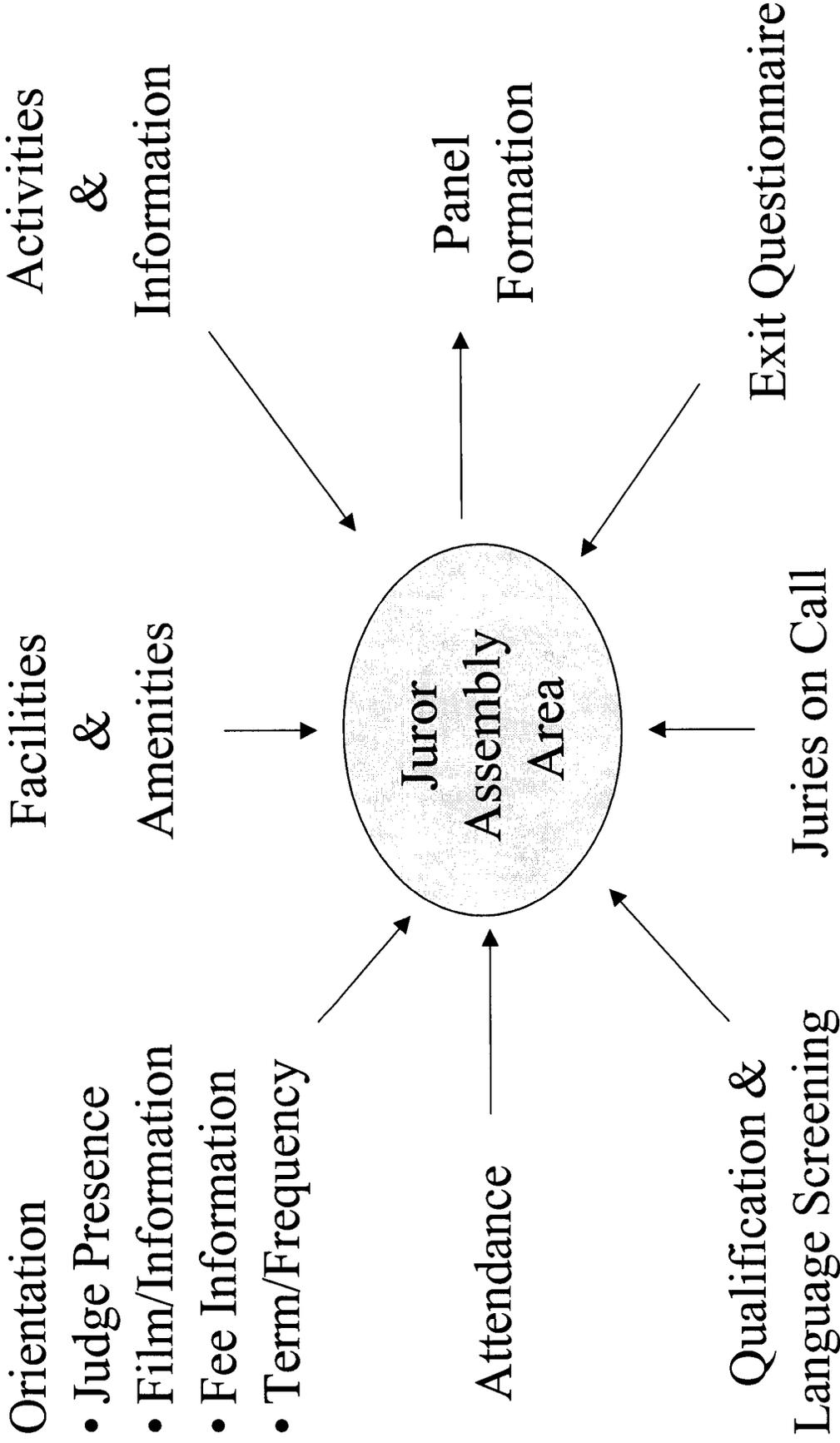
from automated

Qualified List

Follow-up Process

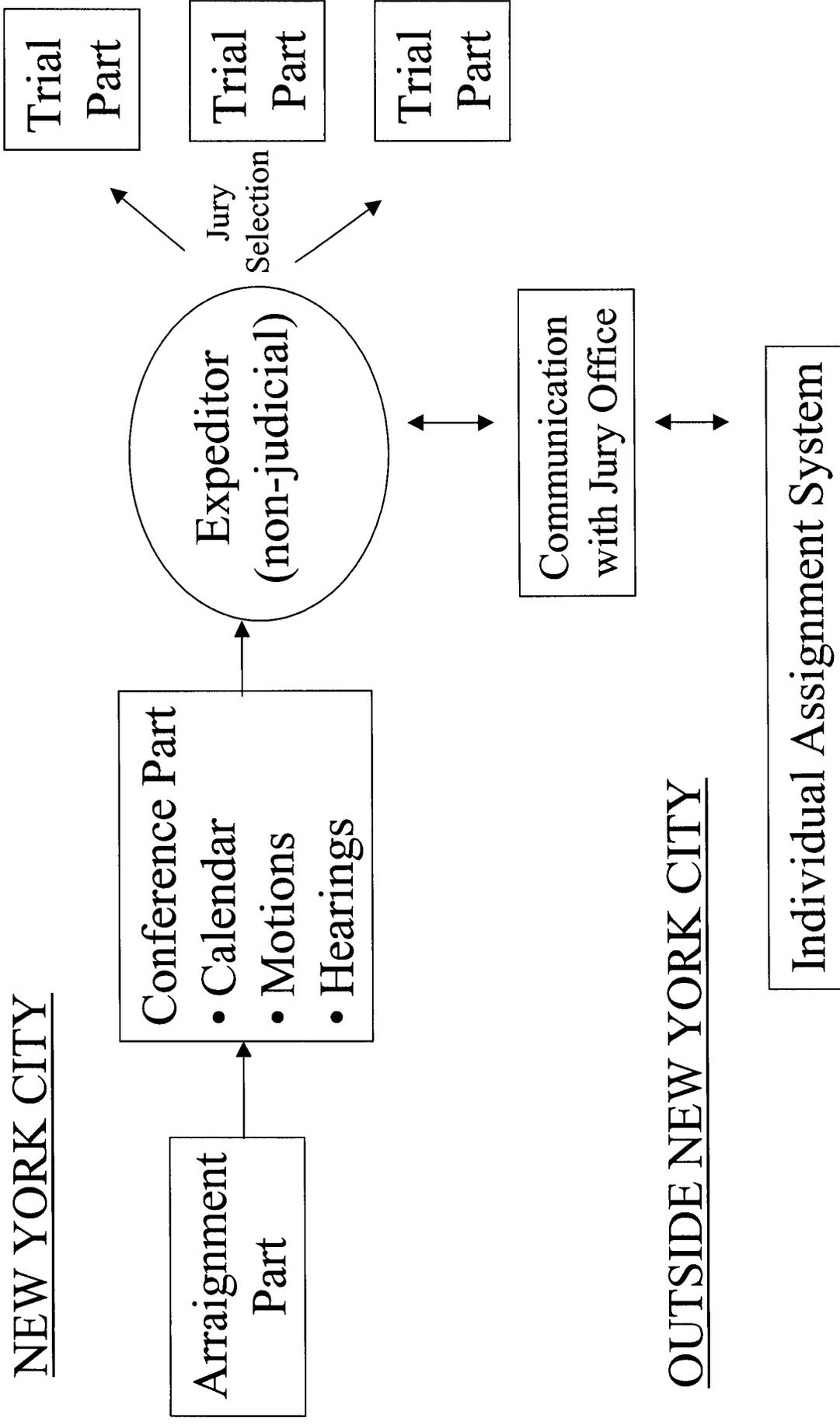
Appendix G

Juror Assembly Area



Appendix H

Scheduling Criminal Jury Trials



Scheduling Civil Jury Trials

NEW YORK CITY

RJI

Pre-Note
Discovery

Judge &
Case
Managers

Note
of
Issue

Assignment
Part

Pre-Trial
Conf.

S E L E C T

Case Manager
(non-judicial)
Daily contact
with trial Parts

Trial
Part

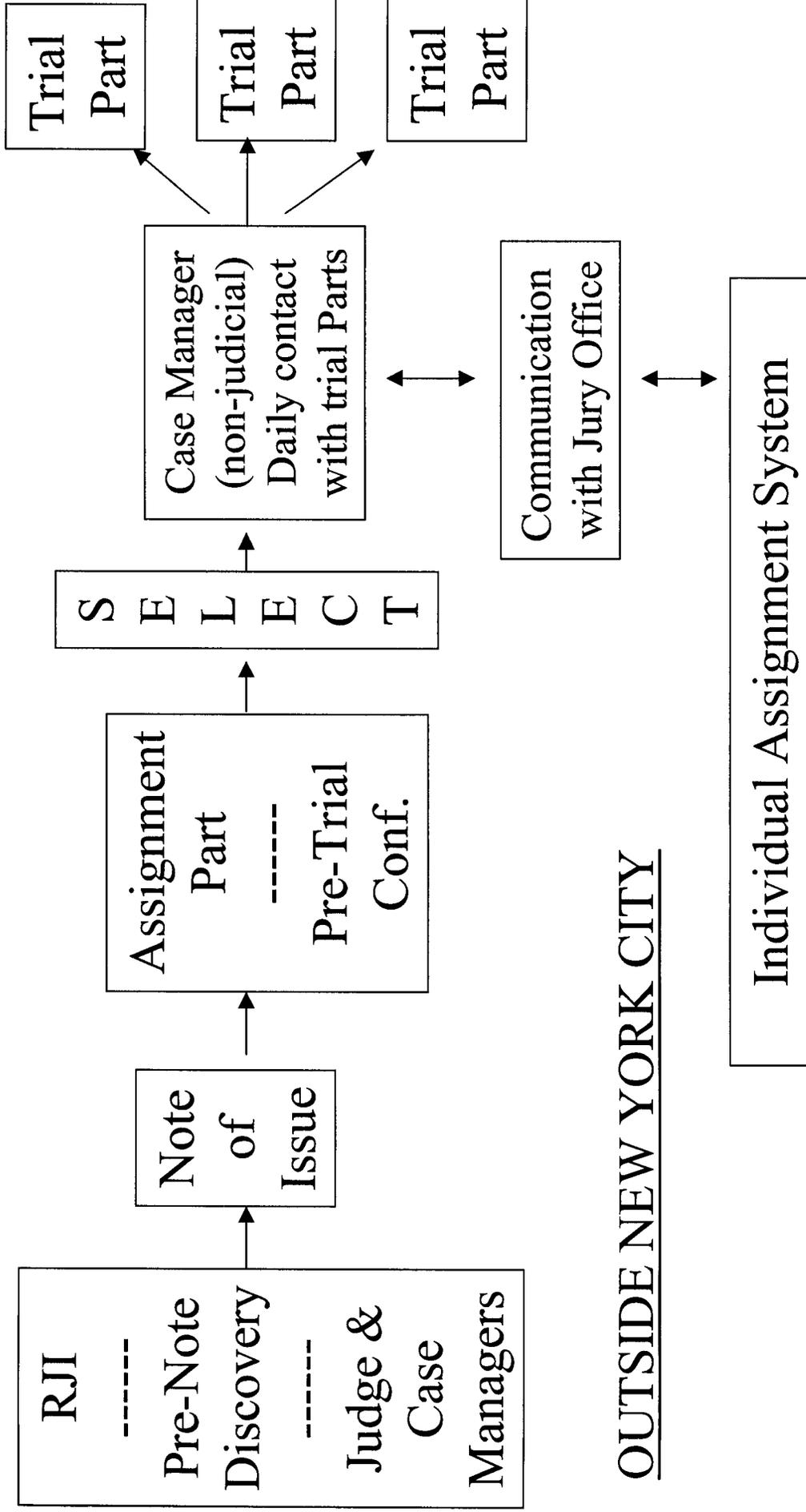
Trial
Part

Trial
Part

Communication
with Jury Office

OUTSIDE NEW YORK CITY

Individual Assignment System



Appendix I

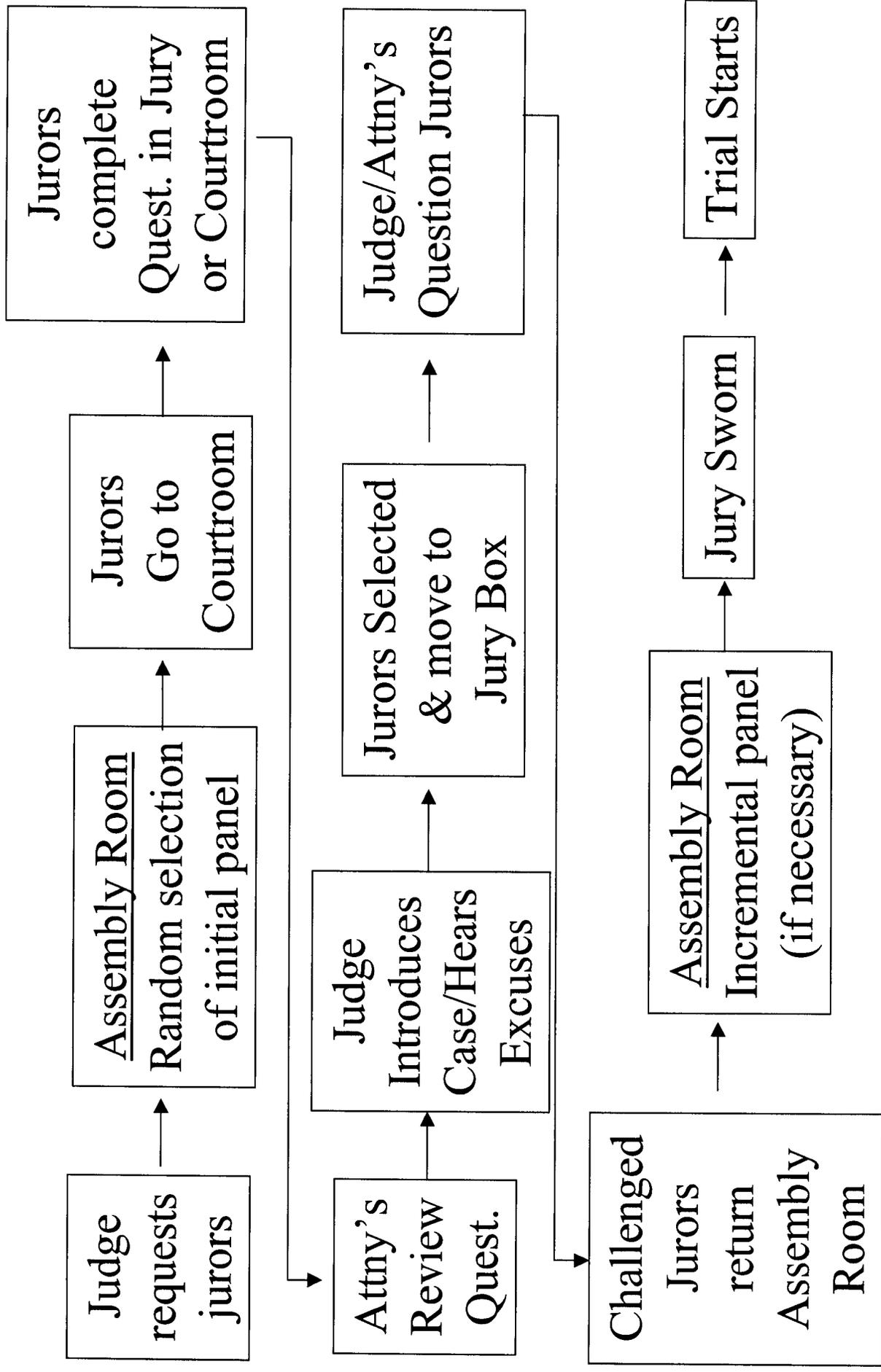
Jury Selections Commenced

Detail - 2002

Court	NYC	Outside NYC	Total State
Total Criminal	1,943	1,420	3,363
Superior Criminal	1,662	1,044	2,706
Lower Criminal	281	376	657
Total Civil	7,500	4,385	11,885
Supreme Civil	6,500	4,240	10,740
Lower Civil	1,000	145	1,145
Total	9,443	5,821	15,264

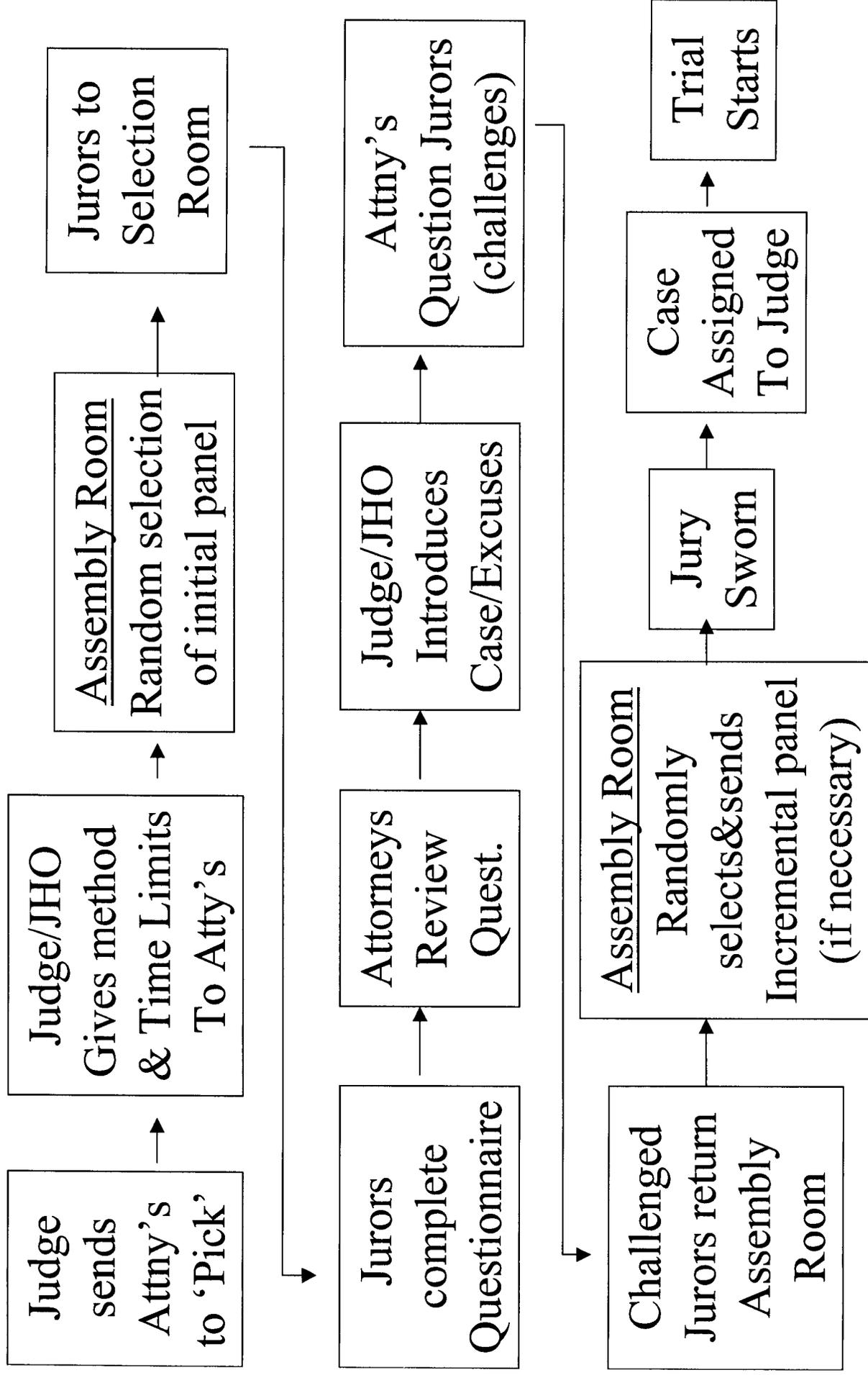
Appendix J

Criminal Voir Dire Process



Appendix K

Civil Voir Dire Process



Appendix L

The 82% Problem

In 2002, 82.3% of those who reported for jury duty *did not sit* through a trial.

	Jury Size	Juries (Annual)	Total Jurors
Superior Criminal	14	2,706	37,884
Lower Criminal	8	673	5,384
Supreme Civil	8	7,088	56,704
Lower Civil	8	756	6,048
Total			106,02

106,000 Sat / 600,000 Served = 17.7%

Appendix M

Onondaga County Comparative Civil/Criminal Not Reached/Questioned Jurors

	Civil			Criminal			Combined		
	Not Reached	Jurors Sent	%	Not Reached	Jurors Sent	%	Not Reached	Jurors Sent	%
2001	912	2025	45%	762	2467	31%	1674	4492	37%
2002	844	2368	36%	499	1727	29%	1343	4095	33%
2003	854	1777	48%	645	2191	29%	1499	3968	38%
Total	2610	6170	42%	1906	6385	30%	4516	12555	36%

Appendix N

Appendix N

City Court Juror Request Protocol

- City Court Jury Trials will be scheduled to commence on Tuesdays, and, if necessary, Wednesdays.
- City Court will be sent one jury panel (20 jurors) on every Tuesday of each week unless the Commissioner of Jurors is otherwise notified within a timely manner, namely, by Monday at 2 p.m.
- If additional jurors are necessary on Tuesday for City Court Jury Trials, a) the Commissioner of Jurors will be notified of this need via e-mail by Tuesday at 11 a.m.; b) if jurors are available from other trials, the Commissioner of Jurors shall provide the recycled jurors to City Court; and c) if no additional jurors are available, the Commissioner of Jurors shall so notify City Court, and City Court shall reschedule the trial.
- If more than one jury trial is ready to proceed, it is the responsibility of the Supervising Judge of City Court, or his designee, to determine which part receives the jury panel.
- If a jury panel is sent to City Court on Tuesday and they are not used, City Court may claim the panel received and have them report the next day (Wednesday) for a scheduled jury trial. In claiming jurors, City Court shall take into consideration the state maxim of "one day or one trial for jurors."
- In the event that City Court is certain that more than one jury trial will commence on the same day (Tuesday/Wednesday) the Supervising Judge of City Court, or his designee, will have the responsibility of making that determination and duly notifying the Commissioner of Jurors Office at least three weeks before the scheduled date of trial.
- The same administrative paperwork required for jury trials remains in force.
- Any deviation from the protocol or any problems with the protocol shall first be brought to Supreme Court Justice Edward Carni for his consideration.
- On February 3, 2003 this protocol will be implemented.

Appendix O

Uniform Rules of the Supreme Court and County Court

Section 202.33

Conduct of the Voir Dire

- a. **Trial Judge.** All references to the trial judge in this section shall include any judge designated by the administrative judge in those instances where the case processing system or other logistical considerations do not permit the trial judge to perform the acts set forth in this section.
- b. **Pre-voir Dire Settlement Conference.** Where the court has directed that jury selection begin, the trial judge shall meet prior to the actual commencement of jury selection with counsel who will be conducting the voir dire and shall attempt to bring about a disposition of the action.
- c. **Method of Jury Selection.** The trial judge shall direct the method of jury selection that shall be used for the voir dire from among the methods specified in subdivision (f) below.
- d. **Time Limitations.** The trial judge shall establish time limitations for the questioning of prospective jurors during the voir dire. At the discretion of the judge, the limits established may consist of a general period for the completion of the questioning, a period after which attorneys shall report back to the judge on the progress of the voir dire, and/or specific time periods for the questioning of panels of jurors or individual jurors.
- e. **Presence of Judge at the Voir Dire.** In order to ensure an efficient and dignified selection process, the trial judge shall preside at the commencement of the voir dire and open the voir dire proceeding. The trial judge shall determine whether supervision of the voir dire should continue

after the voir dire has commenced and, in his or her discretion, preside over part of or all of the remainder of the voir dire.

f. **Methods of Jury Selection.** Counsel shall select prospective jurors in accordance with the general principles applicable to jury selection set forth in Appendix "E" and using the method designated by the judge pursuant to subdivision ©. The methods that may be selected are:

- (1) "White's method," as set forth in Appendix "E" of this Part;
- (2) "Struck method," as set forth in Appendix "E" of this Part;
- (3) "Strike and replace method," in districts where the specifics of that method have been submitted to the Chief Administrator by the Administrative Judge and approved by the Chief Administrator for that district. The strike and replace method shall be approved only in those districts where the Chief Administrator, in his or her discretion, has determined that experience with the method in the district has resulted in an efficient and orderly selection process; or
- (4) Other methods that may be submitted to the Chief Administrator for use on an experimental basis by the appropriate Administrative Judge and approved by the Chief Administrator.

Appendix P

COUNTY	PARKING
Albany	No (Discounted parking)
Allegany	Free parking
Bronx	No (Discounted parking)
Broome	Free parking
Cattaraugus	Free parking
Cayuga	No (Discounted parking)
Chautauqua	Free parking, some metered parking
Chemung	Free parking at metered spaces only; parking permit placed on dashboard
Chenango	Free parking
Clinton	No Reply
Columbia	Free parking
Cortland	Free parking
Delaware	Free parking
Dutchess	No
Erie	No
Essex	Free parking
Franklin	Free parking
Fulton	Free parking
Genessee	Free parking
Green	Free parking
Hamilton	Free parking
Herkimer	Free parking
Jefferson	Government parking first come first serve basis
Kings	
Lewis	No
Livingston	Free parking
Madison	Free parking
Monroe	No
Montgomery	Free parking
Nassau	Free parking
New York	
Niagara	Free parking

Oneida	Free parking
Onondaga	No (Discounted Parking)
Ontario	Free parking
Orange	Free parking
Orleans	No
Oswego	No problems with parking
Otsego	No
Putnam	Free parking
Queens	
Rensselaer	No
Richmond	
Rockland	Free parking
Saratoga	Free parking
Schenectady	No (Discounted parking)
Schorie	No
Schuyler	No
Seneca	Free parking
St. Lawrence	Free parking
Steuben	Free parking
Suffolk	No
Sullivan	Free parking
Tloga	Free parking
Tompkins	Free parking
Ulster	Free parking
Warren	Free parking
Washington	Free parking
Wayne	No (parking is bad; a lot of juror complaints)
Westchester	No (Discounted parking)
Wyoming	Free parking
Yates	Free parking

Appendix Q

Probability of Finding Persons on a Twelve-Person Jury Who Share a Characteristic
PROBABILITY OF FINDING x OR MORE PERSONS ON A 12-PERSON JURY WHO SHARE A
PARTICULAR CHARACTERISTIC THAT IS FOUND IN $y\%$ OF THE POPULATION

	$x =$											
	2	3	4	5	6	7	8	9	10	11	12	
5%	0.11836	0.01957	0.00224	0.00018	0.00001	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
10%	0.34100	0.11087	0.02564	0.00433	0.00054	0.00005	0.00000	0.00000	0.00000	0.00000	0.00000	0.00000
15%	0.55654	0.26418	0.09221	0.02392	0.00464	0.00067	0.00007	0.00001	0.00000	0.00000	0.00000	0.00000
20%	0.72512	0.44165	0.20543	0.07256	0.01941	0.00390	0.00058	0.00006	0.00000	0.00000	0.00000	0.00000
25%	0.84162	0.60932	0.35122	0.15764	0.05440	0.01425	0.00278	0.00039	0.00004	0.00000	0.00000	0.00000
30%	0.91497	0.74718	0.50748	0.27634	0.11785	0.03860	0.00949	0.00169	0.00021	0.00002	0.00000	0.00000
35%	0.95756	0.84871	0.65335	0.41665	0.21274	0.08463	0.02551	0.00561	0.00085	0.00008	0.00000	0.00000
40%	0.98041	0.91656	0.77466	0.56182	0.33479	0.15821	0.05731	0.01527	0.00281	0.00052	0.00002	0.00000
45%	0.99171	0.95786	0.86553	0.69557	0.47307	0.26069	0.11174	0.05557	0.00788	0.00108	0.00007	0.00000
50%	0.99683	0.98071	0.92700	0.80615	0.61279	0.38721	0.19385	0.07300	0.01929	0.00317	0.00024	0.00000
55%	0.99892	0.99212	0.96443	0.88826	0.73931	0.52693	0.30443	0.13447	0.04214	0.00829	0.00077	0.00000
60%	0.99968	0.99719	0.98473	0.94269	0.84179	0.66521	0.43818	0.22534	0.08344	0.01959	0.00218	0.00000
65%	0.99992	0.99915	0.99439	0.97449	0.91537	0.78726	0.58335	0.34665	0.15129	0.04244	0.00569	0.00000
70%	0.99998	0.99979	0.99831	0.99051	0.96140	0.88215	0.72366	0.49252	0.25282	0.08503	0.01384	0.00000
75%	1.00000	0.99996	0.99961	0.99722	0.98575	0.94560	0.84236	0.64878	0.39068	0.15838	0.05168	0.00000
80%	1.00000	1.00000	0.99994	0.99942	0.99610	0.98059	0.92744	0.79457	0.55835	0.27488	0.06872	0.00000
85%	1.00000	1.00000	0.99999	0.99993	0.99933	0.99536	0.92744	0.79457	0.55835	0.27488	0.06872	0.00000
90%	1.00000	1.00000	1.00000	1.00000	0.99995	0.99946	0.97608	0.90779	0.73582	0.44346	0.14224	0.00000
95%	1.00000	1.00000	1.00000	1.00000	1.00000	0.99999	0.99982	0.97436	0.88913	0.65900	0.28243	0.00000
												0.54036

ASSUMPTIONS: (1) Each person is selected randomly from the population; (2) The selections are independent of each other.