

JURY

## Court rules changed in 18 states

# Rehabilitating our juries

By **GEORGE B. MERRY**

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"Very interesting. A day well spent." This is how a Wakefield, Massachusetts, nurse describes her recent two days on a trial court jury here.

The 32-year-old mother of three is among hundreds of Middlesex County residents now sharing in a new experience for many Bay State residents.

**NO LONGER** are nurses, clergymen, teachers, police, firefighters, lighthouse keepers, public officials, doctors, lawyers, or even judges excused from jury duty.

During the first 10 weeks of the new arrangement, a state senator and citizens from most of the other walks of life previously exempted have served in jury pools. "We've had them here as young as 18 and as old as 94," reports Joseph S. Romanow, Middlesex County jury commissioner, who is responsible for making the system run smoothly here.

Instead of being called to serve a full month, as in the past, citizens drawn for jury duty now ordinarily put in one to three days. A key reason for this system is that it is believed fairer to everyone.

It is all part of a computerized, shorter-term juror selection process that first took root in Houston, Texas, in 1971. A new Texas law wiping out almost all exemptions helped the program along.

**THE HOUSTON** experience soon caught the attention of court officials elsewhere, but it was not until three years later that the new concept was adopted elsewhere. The second town in the country to try it was Asheville, North Carolina.

Since 1974, similar systems involving shorter juror duty and a larger cross section of citizens have started in Wayne County, Michigan (including Detroit); Pittsburgh; Dallas; Anchorage; East Lansing, Michigan; Maywood, Illinois, near Chicago; Montgomery County, Maryland, outside Washington, D.C.; and Middlesex County, Massachusetts, of which Cambridge is a part.

In addition, the system is about to begin in Philadelphia. By early summer, it will be in Colorado Springs, Colorado, too.

Mexico, North Carolina, North Dakota, Ohio, Texas, and West Virginia.

A major problem in some courts is deciding how many jurors are needed to sit on cases each day. The decision must be made in advance, so jurors can make arrangements to appear. Rather than run the risk of falling short, court officials usually call more people than are expected to be needed.

To prevent jurors in Detroit from having to cool their heels all day without ever being assigned to a trial, half of those summoned are asked to call in the night before to see if they will be needed. If the

answer is "no" they need now show, and their names are put back into the computer to be drawn for another date.

**BESIDE PROVIDING** a continuing stream of fresh jurors, drawn from a larger cross section of the population, the shorter-service system minimizes potential economic hardship to those called.

In some states it also saves taxpayer dollars. In Middlesex County, for example, the county pays jurors \$40 a day only after three days of juror service. Since most trials are shorter than three days, there need be no compensation except from employers, who are required to pay

their jury-absent workers regular wages for up to three days.

"**THE SYSTEM** seems to be really catching on now in more and more courts around the United States," says Thomas Munsterman, executive director of the National Center for Jury Studies.

He notes that the changeover, which spreads the juror workload around more evenly and to more people, has been aided considerably by the use of computers to select those called to sit on trials.

Grants from the federal Law Enforcement Assistance Administration (LEAA) have, in several instances, helped pay for new equipment and personnel to implement the process.

**GREATLY REDUCING** exemptions provides the courts with a larger pool of potential jurors. Thus, each person generally spends less time on jury duty.

In recent weeks a new Utah statute was passed, clearing the way for just about all adults physically and mentally capable of serving to be called.

Similar laws have been adopted covering parts or all of at least 18 other states. The states are Alabama, Arizona, California, Colorado, Florida, Idaho, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New



Alaska Trial Jury  
**HANDBOOK**

DISTRIBUTED BY

**The Supreme Court of Alaska**

## **FORWARD**

**This handbook has been adapted for use by the Alaska Court system from the original handbook prepared by the Institute of Judicial Administration. The Institute has kindly given its consent to this use.**

**A careful study of this handbook will be helpful in understanding the history of trial by jury, the selection and function of a jury, courtroom proceedings and the responsibility that is placed in those who serve as trial jurors in the courts of Alaska.**

**Robert Rochever  
Chief Justice  
Alaska Supreme Court**

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## HISTORY AND FUNCTIONS OF A JURY

The hallmark of the American legal system is the jury system in which panels of private citizens are called upon to make the final decisions in the trial of legal disputes.

While many countries do provide for jury trials in a limited number of circumstances, no country places as much faith and responsibility on the private citizen as in the United States. Nearly 90 per cent of all cases which go to trial, both civil and criminal, are heard and decided by juries.

This reliance on the private citizen to help resolve disputes between his neighbors is written into the United States Constitution as a fundamental right for the individual's own protection. It was a right found necessary by the authors of the constitution as a result of the Colonial Experience.

But the origins of the jury system as it is now practiced in this country, are found in the English legal system, traceable to the Norman Conquest of 1066. The Norman kings brought with them the practice of calling witnesses or persons knowledgeable of a dispute and compelling them to tell under oath, or to swear, to what they knew of the particular dispute. The word "juror" comes from the Old French, meaning "to swear."

Most disputes of the time involved ownership of land and the king would call as jurors those neighbors with personal knowledge of the matter and they would be required to tell under oath what they knew about the ownership of the disputed property. The king would then render a decision based on this testimony.

But, during the reign of King Henry II (1133-1189) an evolutionary step was taken which ultimately led to the jury system as it is now practiced. King Henry decided that if a jury can give him knowledge of the facts of a matter, then the jury could also be useful in deciding the disputes as well.

Today that is precisely the role of the jury, to determine the facts of the matter under dispute and to render a decision based on the evidence presented. Jurors today are selected on the basis of their impartiality and consequently jurors are chosen who have no prior knowledge or acquaintance with the persons or issues in dispute.

The judge, supplanting the role of the king, determines the law. He guides the course of the trial to assure that the proceedings and the presentation of evidence are conducted properly and according to established legal principles.

## JURY SELECTION

Once an individual is assured of a right to a trial by a jury composed of fellow citizens, it becomes obvious that each individual also may be required to serve as a juror himself.

The establishment of a right to a trial by jury also requires that means be established to assure that there are a sufficient number of people available for selection of juries. The methods for the initial selection of potential jurors vary from one state to another, but generally involve a random selection designed to assure a reasonable cross section of the community.

In Alaska, state statutes require that at least once each year the Administrative Director of the Alaska Court System is to prepare a list of prospective jurors for each judicial district in the state. The statutes specify that the list is to be derived from state income tax rolls, registered voters, and holders of resident hunting, fishing and trapping licenses.

From these lists each court can make a periodic random selection of persons living within 50 miles of the court location. This will be a list of persons who, during a specified period of time, will be subject to call as possible jurors on one or more occasions as the need for jurors arises.

It is not the responsibility of the court to select the jurors for each trial, but to provide a sufficient number of qualified persons for selection at the beginning of each trial.

Depending on the number of trials expected at each court location in the state the size of these lists may vary from 100 to 700 and the length of time during which a person is subject to call as a possible juror may vary from 30 to 90 days.

A questionnaire is sent to all persons on these lists to determine who are qualified to serve as jurors. As specified in state statutes, a person to be qualified to serve as a juror must be: a citizen of the United States, a resident of the State of Alaska, be at least 19 years old, of sound mind, in possession of his natural faculties and be able to read or speak the English language.

While jury service may be inconvenient, no person should seek excuse from such service for that reason alone. If jury service will cause personal hardship, the person should complete the questionnaire and then enclose a letter explaining the situation and the hardship that would result. The presiding judge will make the final decision of whether to grant an excuse, or to defer service to another time.

A summons will be sent to all persons found qualified to serve as jurors during a specified period of time. During this period a person is subject to call one or more times in which he is to report to the court for possible selection as a juror. Instructions will be provided with the summons explaining how each juror will be notified of when he is to report to the court.

These instructions are important because often, particularly in the high volume courts such as in Anchorage and Fairbanks, notification cannot be made until the evening before the juror is needed.

While trials are scheduled far in advance, the attorneys in individual cases may reach a last minute settlement or

request a postponement of the trial to another time. Consequently the court cannot determine how many prospective jurors will be needed each day until the evening before.

Once called a prospective juror will be assigned to a jury panel. This panel may consist of 30 members from whom 12 will be selected as a jury for a superior court trial, or it may consist of 15 members from whom six will be selected as a jury in a district court trial.

The selection of a jury from a panel will be conducted in the courtroom as the first step in a trial. Panel members will be asked questions by the judge and the attorneys involved in the particular matter on trial.

Basically this questioning will be to determine if any member of the panel has any acquaintanceship or knowledge of the persons or events involved in the case, or if anyone has any preconceived opinions or ideas which would influence him as a juror.

In some instances this inquiry may delve more deeply into a panel member's background, experiences and beliefs. No one should be embarrassed or offended by this. It is a necessary part of assuring selection of a fair and impartial jury. Each person, therefore, should try to answer all questions frankly and honestly.

During this questioning, which is called "voir dire" (to speak the truth), the attorneys may ask that individual panel members be excused—that they not serve on the jury in that particular case. This may be for a stated reason or disqualification for "cause," or the attorney may give no reason which is a peremptory challenge. An attorney is not limited in how many he may disqualify for cause, but he is limited in how many times he may exercise the right of peremptory challenge.

No one should be offended if he is excused from serving on a jury in a particular trial. He may be assigned to another jury panel for possible selection in another trial, or he may be

excused for the day, subject to call on another day.

Once a jury is selected, one or two additional persons may be selected as alternates. They will sit with the jury during the trial and can take the place of any juror who may become ill or otherwise incapacitated.

The jury will be given an oath in which the jurors swear to impartially hear and try the case on the evidence that will be presented.

The jury will be assigned to a jury room where the jury will meet before sessions of the court and during recesses. It will be in this room that the jury will complete its final deliberations and decide on a verdict.

A bailiff will be assigned to the jury to assist members during the trial and to protect the jury from outside influences. Any question or problem that may arise during the trial should be addressed to the bailiff and he will convey the question or problem to the judge.

## THE TRIAL

When the jury is finally impaneled the trial can then proceed.

Whether the trial involves a civil dispute or a criminal complaint it will follow an established order of events and the role of the jury is essentially the same.

It is the responsibility of the jury to hear the evidence, or facts, as presented and then to make a final determination or resolution of the dispute based upon those facts.

The party which initiated the action—the plaintiff in a civil dispute or the prosecutor for the governmental entity such as the city or state in a criminal complaint—will present its side first.

On the completion of the presentation of its evidence and testimony by the plaintiff or prosecutor,

the defense will then present its evidence. This order of presentation is one of the reasons the jurors are instructed to reach no conclusions or form no opinions until all the facts are in.

The trial will begin with opening statements by the attorneys in which each will state to the jurors what they hope to prove during the course of the trial.

In some instances the defense may choose to make no opening statement at this time and to defer its opening remarks until after the the plaintiff or prosecutor has completed presentation of his case.

The jurors will be advised, however, that the statements of the attorneys are not to be considered as evidence.

The evidence upon which the jury will make its final decision will be presented in the form of the sworn testimony of witnesses called by the attorneys or as physical evidence such as documents, records, weapons or various other articles or exhibits.

Most of the testimony will be presented by witnesses in response to questions by the attorneys. The attorney calling a witness will question the witness first in what is called "direct examination." The opposing attorney will then have an opportunity to question the witness also in what is called "cross examination."

The rules governing the admission or presentation of evidence are quite numerous and complex. But these rules are not the concern of the jury, they are instead, the concern of the judge. It is the judge's responsibility to assure that all testimony and all evidence is admitted according to established rules.

Occasionally during the trial an attorney may "object" to an action or question by the opposing attorney, or a statement by a witness. This will necessitate a ruling by the judge.

Sometimes the judge will rule on the objection without comment by any of the attorneys. Sometimes there may be

a brief discussion between the attorneys and the judge before the jury. On other occasions there the discussion will be at the judge's bench out of the hearing of the jury. Sometimes the jury will be asked to retire to the jury room to allow full and free discussion of an issue in the court room.

Understandably jurors may become disturbed by frequent or long sessions in the jury room. All that can be asked of jurors at such times is that they be patient, for important issues are being resolved that are necessary to the proper presentation of evidence to the jury.

Occasionally an objection may be made to a statement already made. If the objection is sustained by the judge the jury is to disregard that statement—it is not to be considered as evidence.

When all parties have completed the presentation of their case, the attorneys will then give their summation or final arguments to the jury.

The plaintiff or prosecutor will present his arguments first, then the defense can present his arguments to the jury. Because the plaintiff or prosecution does have the burden of proof they are accorded the opportunity to have the last word and may give a brief closing argument before the jury.

## THE CHARGE

After all of the evidence has been presented and the attorneys have completed their final arguments there remains one very important matter of business that must be completed before the jury can begin its deliberations.

This is the reading of the instructions by the judge, sometimes called "the charge."

This reading of the instructions is an explanation of the law as it applies to that particular case, it is an explanation to

the jury of how the evidence presented during the trial is to be considered.

As an explanation of the law, it is to be accepted as such by the jury. No juror should be influenced by what he thinks the law should be, or what he would like it to be.

The process of reaching a verdict is a process of law, not whim, and for a juror to fulfill his oath to bring a true verdict he must apply the law as it is to the facts as they have been presented.

While the reading of the instructions may be long and involved, the jury should listen carefully. But, to help assure that there will be no misunderstanding, printed copies of the instructions will be provided to the jury when it goes into its deliberations.

## DELIBERATIONS

The case is now in the hands of the jury, and it is to this moment that all of the proceedings which have gone on before have been directed.

The jury must now endeavor to reach a verdict for one or the other of the parties in the trial just heard.

The jury will retire to the jury room and if the jury has not already done so, the first matter of business will be to select a foreman.

It is the foreman's responsibility to preside over the deliberations of the jury, to keep order and to give every juror a fair opportunity to express his views.

Even now jurors should keep an open mind, give respectful consideration to the opinions of others and freely discuss all ideas presented.

A juror should not be afraid to change his mind when reason and logic so dictate, but he should not surrender an opinion conscientiously held.

To reach a verdict the jurors must weigh and consider the evidence that was presented during the trial in accordance with the instructions given by the judge. Jurors must not be swayed by either prejudice or sympathy. Sympathy, if allowed to sway a verdict, is just as harmful as bias that would sway a verdict the other way.

If, during the course of deliberations, a question is raised about the instructions, or if it is believed that further instructions are necessary, the jury can ask the judge for further clarification. But any question or other matter which the jury would like to address to the judge should be given to the bailiff who will relay the matter to the judge.

If there is an important disagreement among jurors over a particular portion of testimony during the trial a request can be made for an opportunity to hear a recording of that portion of the trial.

The final verdict of the jury must be reached by reason and careful deliberation. Chance must not be allowed to enter. In a case where the jury is asked to determine the amount of damages to be awarded, the jury must first determine the liability. Only then can the matter of damages be considered.

In a criminal case the verdict must be the unanimous decision of the jury. But in a civil case a verdict can be reached by a five-to-six majority, that is a verdict can be reached by the agreement of at least five persons on a six-person jury, or by at least 10 on a twelve-person jury.

When a verdict has been reached the bailiff will advise the judge and the court will be called back into session. The foreman will deliver the jury's verdict to the court and the verdict will be read. At this point the jurors may be polled, or asked individually if they agree with the verdict.

The jury will be discharged with the appreciation of the court. The jurors may now return to their homes and personal affairs.

The secrecy which bound the jurors during the course of

the trial is now lifted and the attorneys who were involved in the trial and others may ask the jurors about their deliberations. While no longer bound by secrecy, there is no duty or obligation for jurors to discuss the case and a juror may refuse to discuss the trial if he so desires.

## CONDUCT

Jury service is a serious responsibility and whether a trial lasts less than a day or for several weeks, a juror must give his full attention to the matter being heard. He should not allow himself to be distracted by any extraneous influence, nor should he be the cause of any distraction.

A good standard of conduct for a juror to follow is that of common courtesy and respect. The following admonishments are intended to serve as a further assistance and guide for jurors:

-It is essential that a juror be in court at the time previously announced as the trial cannot proceed until all jurors are present.

-Everyone in the courtroom, including jurors, will stand when the judge enters. All will rise again at the end of the session when the judge leaves.

-When the court is in session a juror should not talk with fellow members of the jury or read magazines or newspapers.

-A juror should pay close attention to the evidence being presented. If a juror cannot hear what a witness is saying, the court should be advised immediately. Rather to interrupt the proceedings, the juror should raise his hand and tell the judge the problem when the judge recognizes him.

-During the course of a trial, particularly if it is long or involved, some jurors may feel it will be helpful if they can take notes. No juror should do this on his own. If someone

wants to take notes the bailiff should be contacted during a recess and he will advise the judge of the request. The judge may or may not grant the request.

-A juror should not form an opinion or reach any conclusion regarding the matter on trial, nor should he express any opinion with fellow jurors. A juror must keep an open mind throughout the course of the trial.

-The personalities of the attorneys involved should not be allowed to influence a juror. The final decision reached by the jury must be based solely on the evidence and not on personalities.

-Jurors must not discuss the trial with anyone during the course of the trial. Generally juries in Alaska are not sequestered and jurors may return to their homes and businesses when the trial is not in session. While this is more convenient for jurors, it places a responsibility on them to protect themselves from outside influences. Friends and family may naturally inquire about the trial, but it must not be discussed until the trial is over.

-Nor should jurors read any newspaper articles or listen to any radio or television accounts of the trial. Even if accurate, such accounts are necessarily only brief summations and capsulizations which tend to give undue weight to some items and not others. More seriously, there may be references to matters which cannot be admitted as evidence.

-The judge should be notified immediately if anyone attempts to exert any influence on a juror.

-Occasionally a juror may discover during the course of a trial that he does have some personal knowledge or connections with the case. He should advise the judge immediately. It may be the particular connection is non-prejudicial, or it may be necessary for the juror to be excused. If so, it involves no fault of the juror and the trial can proceed with the alternate taking the juror's place.

-If an emergency arises that could affect the ability of

a juror to fulfill his duty, the judge should be advised immediately.

-Occasionally a juror may feel that he could better understand the matter on trial if he could visit the scene of the crime or accident. He must not. To do so may cause a mistrial. If the judge believes such a visit appropriate, arrangements will be made for the entire jury to visit the scene.

-If, during the trial or during the deliberations, a juror observes what appears to be misconduct by another juror, the judge should be notified immediately.

-When the trial is over and the jury is discharged, the secrecy which once bound the jury is lifted. The attorneys involved in the trial and others may ask questions regarding the trial. While there is no law which now prohibits jurors from discussing the trial, there is also no duty or obligation to discuss the case. A juror may refuse if he so chooses.

A PROCEDURES MANUAL  
FOR JURY CLERKS

Office of Technical Operations  
Office of the Administrative Director  
Alaska Court System  
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## FOREWORD

This manual is intended as a guidance tool for jury clerks and other clerks performing juror functions. There are considerable changes expected to be made in jury statutes, rules and procedures in the next couple years. We are sure that a new jury manual will be required within two years. Towards that fact, please forward to us any changes you would suggest for the next manual.

Merle P. Martin, Manager  
Technical Operations

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## JUROR MANAGEMENT MANUAL

### I. INTRODUCTION

"There usually are three occasions in the life of an American when he, or she, is called upon to come to the support of the country. From time to time our young people are called on to perform service in the armed forces, in the defense or protection of our country. From time to time all citizens are called upon to vote -- to help choose those persons who will lead and direct our country. And from time to time we are called upon to accept service as jurors in the trial and disposition of civil and criminal cases. To take our part, for short periods of time, as vital members of the judicial process. To take our part in making democracy work."

Chief Judge Grady L. Crawford,  
11th Judicial Circuit of Florida

Jury service is one of the highest duties of citizenship. As a juror, each citizen participates in the administration of justice between man and man, between government and the individual, and between corporations and consumers. Active participation of every citizen in this important civic duty is necessary for a "...government of the people, by the people, and for the people".

The Alaska Court System is committed to achieving the following management objectives in its jury system:

1. Maximum responsiveness to court needs.
2. Maximum citizen participation in jury service.
3. Minimum economic burden on the individual.
4. Minimum cost of the jury system.

Management practices supporting the above objectives may be summarized in the following guidelines:

1. Develop a written and comprehensive jury system plan to ensure compliance with the law.
2. Summon prospective jurors directly and randomly from the master list to minimize paper work and unnecessary citizen activity.
3. Maintain random order of names as selected from the master list to give every prospective juror a chance to serve and to maximize cross-section representation.
4. Monitor yield of jurors from selection and utilization of jurors during service to insure full involvement.
5. Make orientation brief in order to use jurors for trial activity on the same day and to save juror time and court costs.
6. Eliminate unnecessary typing and paper work by using preprinted forms and rapid check-in methods.
7. Maintain communication between the court and jurors. The use of an attitudinal survey too will provide information for corrective adjustments in the jury system.
8. Minimize term of jury service to minimize burden on citizens and reduce the necessity for exemptions and hardship excuses.

In order to better achieve these objectives, we have prepared this Juror Management manual as a guide for your court. The manual is organized into the following sections:

- Juror Selection and Qualifications
- Juror Service
- Juror Exit Procedures

## II. JUROR SELECTION AND QUALIFICATION

### A. Compilation of Master Juror file

#### Source List

Before March 15 of each calendar year a list of prospective jurors for all Alaska Courts is generated by the Office of Technical Operations in Anchorage and sent to the presiding judge in each judicial district. This Master Juror File is formed by merging the following three lists:

1. All persons who purchased resident trapping, hunting or fishing licenses during the preceding calendar year showing an Alaskan address. This list is prepared by the Department of Fish and Game.
2. All persons who filed a state income tax return the preceeding calendar year showing an Alaskan address. This list is prepared by the Department of Revenue.
3. All persons who have registered to vote in Alaska. This list is prepared by the office of the Lieutenant Governor.

Alaska is one of only a few states to use multiple sources for jurors rather than using a single source list. The advantages of using multiple lists are:

1. The resulting combined list has more names than simply using a single list. Therefore, multiple lists provide more complete coverage of the state's population.

2. The combined list may represent a better cross section of the population than any single list.
3. The use of a combined list may lessen the problem of citizens failing to register to vote in order to avoid being called for jury duty.

#### Elimination of Duplicate Names

Any one person may have his or her name on two or all three lists. Therefore, the combined list of prospective jurors must be matched, one name against another, to eliminate duplicate entries. The procedure for eliminating duplicate names is described in Appendix One.

#### Prior Randomization

After elimination of duplicate names, a random selection number is assigned to each prospective juror on the Master Juror File and then this list is sorted in random selection sequence. Therefore, if a court requests a thousand jurors, the next thousand on the list for that location can be easily selected in sequence.

Prior randomization of the Master Juror File offers the following advantages over randomization at the time of selection:

1. Data processing is more efficient.
2. In case of computer failure or emergency time requirements, the selection of the needed jurors can be done manually yet randomly.

### Microfile Venire Lists

Now that the Master Jury File is complete, it is transferred to computer output microfilm (COM) tape. Copies of the microfiche are then sent to the area court administrator in each judicial district as required by law (AS 09.20.050(a)). Microfilm readers are available at Juneau, Nome, Anchorage, and Fairbanks to allow the public or court personnel easy access to the Venire list.

All of the computer processing is done on the IBM 370/148 computer located at the Division of Data Processing, State Department of Administration facility located in Anchorage.

#### B. Periodic Selection of Prospective Jurors

##### Flexibility of Requests

The frequency of juror selection varies statewide depending upon the volume of jury trials. Some locations, such as Anchorage and Fairbanks, may have sufficient volume to require bi-weekly selection. Other locations may have one selection made for the entire year or when an individual trial occurs. The wide difference in the needs of Alaska's courts requires this flexibility.

## Selection Process

Whatever the frequency of juror selection, the process is essentially the same. The individual court sends or phones a request for a jury to the Office of Technical Operations in Anchorage. (See Appendix Two - Request for Selection of a Jury Panel). This request must be approved by the Presiding Judge in the respective judicial district and should be sent at least three weeks prior to the time a panel is needed.

The request is edited, then sent to the Division of Data Processing where it is keypunched and, with the Master Juror File, becomes an input to the IBM 370/148 Computer. The requisite number of jurors is then selected. The Division of Data Processing provides the Office of Technical Operations with the following:

1. A list (Appendix Three) of selected prospective jurors for court use. This list is sent in two forms.
  - a. An alphabetical list.
  - b. A random sequence list
2. Three or four sets of labels (Appendix Two) for each prospective juror. These labels are used for court mailings.
3. Jury service cards for payment to jurors. (Appendix Two).
4. For higher volume courts, one of the following:
  - a. Ready-to-mail questionnaires (Appendix Two) with summons included. This is for courts that want a "one-process" service the questionnaires and the summons are served at the same time.

- b. Ready-to-mail questionnaires with separate ready-to-mail summons. (Appendix Two) This is for those courts who wish the summons served after the juror has been qualified but wish to take advantage of automatic rather than manual summons preparation. At the time these courts wish the summons to be mailed, they select those from the qualified jurors for mailing and throw away the rest.
- c. Ready-to-mail questionnaires only. This is for those courts who still prefer to manually type the summons and for those courts utilizing the Automated Juror Qualification System (AJQS).

Does Not Quality

AS 09.20.020 prescribes that a person is not qualified to act as a juror if he is not:

- (1) A citizen of the United States;
- (2) A resident of the State;
- (3) At least 19 years of age;
- (4) Of sound mind;
- (5) In possession of his mental faculties;
- (6) Able to read or speak the English language.

In addition, if the prospective juror has served as a juror in the state within one year of the time of service, or he has been convicted of a felony and his civil rights have not been restored, that person is disqualified to act as a juror.

For courts using AJQS, enter the Venire number and the reason for disqualification to the terminal as per the instructions included

in Appendix Four. The computer will automatically produce letters to these persons stating the reasons for disqualification. For all other courts, send a letter (Appendix Two) to the juror advising him of the reason for his disqualification and enter his name and reason for disqualification on the qualifications unit sheet shown in Appendix Two.

Whether or not your court is a user of AJQS, place questionnaires in a file folder in computer selection number sequence. The file folder should be marked "DISQUALIFICATIONS and EXCUSALS for \_\_\_\_\_, 19\_\_." Retain this file for one year.

#### Permanent Excusals

The only permanent excusals to be granted are for deceased, the permanently handicapped or those of advanced age. If the prospective juror does not qualify for permanent excusal from jury duty, place his questionnaire in the non-permanent excusal group and process it as described below.

If a prospective juror does qualify for a permanent excusal, perform the following tasks:

1. For those permanently handicapped and of advanced age, send a letter (Appendix Two) to the prospective juror notifying him of his permanent excusal.
2. If your court is using the Automatic Juror Qualification System (AJQS), enter the Venire number and excusal code for the excused juror into the terminal.

3. If your court is not using AJQS, state the reason for excusal on the Jury Selection card. Send these cards to Technical Operations in Anchorage. They will enter this excusal data into the computer.
4. Whether or not your court uses AJQS, place the questionnaires in the Disqualification and Excusals folder in computer selection number sequence.

Entering of permanent excusal data to the computer will result in that prospective juror never being selected again.

### Deferral of Service

Courts may defer juror service to a later date but are advised not to defer service more than six months. Deferral more than six months greatly increases the chances that the prospective juror will have changed addresses and won't be reached. For those courts using AJQS, enter the Venire number for deferred jurors and the date deferred to into the terminal. This will cause questionnaires to be sent again to those jurors on/or about the deferment date. No suspense file need be maintained. The questionnaire should be filed in computer selection number sequence in a file marked "DEFERRAL OF SERVICE \_\_\_\_\_, 19\_\_."

For those courts not using the Automated Juror Qualification System (AJQS), place the questionnaire in a file marked "DEFERRAL OF SERVICE." The questionnaires should be filed by month of deferral date. When that month comes, summons should be sent to all jurors deferred to that month.

### Non-Permanent Excusal

There are a number of types of requests for excusal which can be approved by the jury clerk without judicial approval. These include:

- (1) Professional exemptions: Requests for excusal will be automatically granted if the prospective juror is:
  - (a) A judicial officer;
  - (b) Any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror;
  - (c) An attorney;
  - (d) A minister of the gospel or priest of any denomination;
  - (e) A teacher in a university, college, academy, or school;
  - (f) A practicing physician;
  - (g) A practicing dentist.

Do not excuse any of the above unless they have specifically requested excusal.

- (2) Jury Service: Request for excusal will be automatically granted if the prospective juror has served three months or more as a juror during any consecutive two year period. Service is defined as attendance at the court house rather than on-call as a juror.
- (3) Medical: Requests for excusal will be automatically granted if for medical reasons as verified by a letter from the prospective jurors physician.

- (4) Out of Area: If the prospective juror is outside the 50 mile radius of the court, he should be automatically excused.
- (5) Out of State: If the prospective juror will be out of Alaska for more than six months he should be automatically excused.
- (6) Transportation: If it is clear that the prospective juror has no or very expensive means of transportation, he should be automatically excused.

All other requests for excusal must be approved by the presiding judge: If the excusal is not granted a letter, (Appendix Two) should be sent to the prospective juror informing him of that fact.

For those courts using the Automated Juror Qualification System (AJQS), enter the Venire number and appropriate excusal code to the terminal in the manner described in Appendix Four. Ready-to-mail notices of excusals will automatically be produced by the computer.

For those courts not using AJQS, send excusal letters (Appendix Two) to those prospective jurors who have been excused. Enter the name of the juror and the reason for excusal to the Disqualification/Excusal roster (Appendix Two).

Whether or not your court is using AJQS, place the questionnaires for those excused in the Disqualification and Excused file, for that month in computer selection number sequence.

Monthly Disqualification/Excusal  
Report

For those courts using the Automated Juror Qualification System (AJQS), the computer will automatically produce a monthly report of all prospective jurors excused or disqualified. One copy will be sent to Technical Operations and the second copy to the court for approval of the presiding judge.

For those courts not using AJQS, the Disqualification/ Excusal Roster (Appendix Two) will be approved monthly by the presiding judge and the second copy sent to Technical Operations.

Whether or not your court uses AJQS, place the disqualification/excusal listing or roster in the Disqualification and Excusal file for that month.

Qualified Jurors

Those prospective jurors not disqualified, deferred or excused are now qualified for jury service. For these jurors, perform the following tasks:

1. From the juror payment cards previously sent to you, select the ones for the qualified jurors and throw away the rest.
2. Attach the juror payment cards to the back of the questionnaire.

3. Attach the juror selection cards to the front of the questionnaire.
4. Place the packages of selection cards, questionnaires, and payment cards in a file marked "QUALIFIED JURORS FOR (beginning date) \_\_\_\_\_, 19\_\_\_\_ through (ending date) \_\_\_\_\_, 19\_\_\_\_".

#### Summons

There are three different methods by which jurors are summoned in this state:

1. In some courts the summons is either included in the questionnaire mailer or, while in a separate mailer, is mailed at the same time as the questionnaire. For these courts, no additional action need be taken at this point.
2. In other courts, ready-to-mail summons are produced at the time the questionnaires are produced, but the summons are mailed in bulk to the court rather than to the prospective jurors. If your court is one of these courts, then you must now pull the summons for these prospective jurors who are qualified for service, mail these summons and throw away the rest.
3. Some courts do not request or receive automatically prepared summons. If your court is one of these, you must now type and mail summons to the jurors who you have qualified.

### III. JUROR SERVICE

#### A. Period of Service:

The period of service as prescribed by Administrative Rule 17 is shown in the following table:

<u>Population</u>	<u>Maximum Period of Juror Service</u>
Less than 2500	One Year
2500 to less than 5000	90 Days
5000 or more	30 Days

Any questions as to the population of your location should be directed to Technical Operations in Anchorage. It must be emphasized that this is the maximum period of service. The minimum period can be as little as one day. For larger courts, we recommend no more than a two week period of service. It must also be stressed that the period of service refers to that period of time when the juror is subject to court attendance. Regardless of the period of service, court attendance should never exceed 30 full calendar days.

B. How Many Jurors to Call In:

When a trial is scheduled to begin, you must call in a group of jurors to be questioned during voir dire. The number of jurors to call in varies depending on the number of challenges expected in the courtroom, but the following table presents some guidelines you can use to determine how many jurors to call in for a single trial:

How Many Jurors To Call In For A Trial		
Type <u>Jury</u>	Minimum <u>To Call In</u>	Maximum <u>To Call In</u>
6 Person	12	20
12 Person (Civil)	24*	32
13 Person (Criminal)	27	35

\*As dictated by statute.

Staggered Trials

In the larger courts where more than one trial is scheduled for a certain day, much money and juror dissatisfaction can be saved by staggering trial start times. In this way, jurors who were challenged or not questioned (not reached) during voir dire in the first trial can be sent to the courtroom for the second trial, and so on. Let's demonstrate this technique through the following examples. Let's say we have three six person jury trials scheduled for the morning and we estimate that we need a panel of 15 jurors for each voir dire. If we start all three trials at nine o'clock, we will have to call in 45 jurors since all three voir

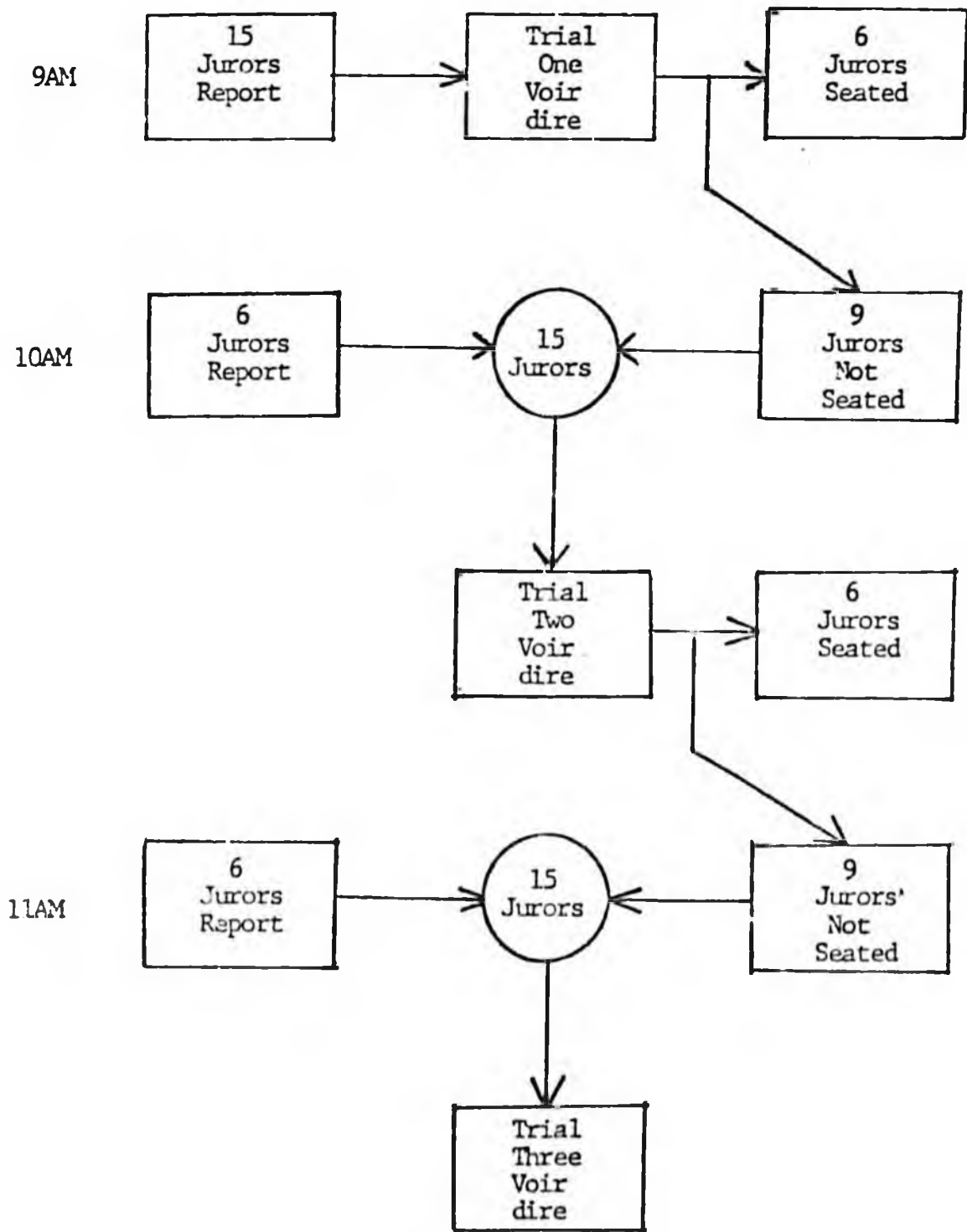
trials will be conducted simultaneously. At 10 for a half day, this type of scheduling will cost us \$450. Eighteen (40%) jurors will eventually be impanelled, but 27 will have reported and not have had the opportunity to sit on a jury.

Now instead, let's stagger our trial start times to 9, 10 and 11 a.m.. The diagram on the following page illustrates how this would work.

Instead of 45 jurors reporting, by staggering trial times only 27 jurors need report. This is a savings of \$180 (40%), and the percent of jurors reporting who get to sit on a trial rises from 40 to 67 percent.

#### Folding Trials

Cases may settle or be dismissed or result in a change of plea after the jurors have been called in. This late folding of trials is largely beyond the control of the courts, but if you have enough trials and some data from the past, you can decrease the negative effects of late foldings. Say, for example, that you have four misdemeanor trials scheduled for the same day and you know that one third of these jury trials fold after the jurors are called in. Call in only three panels. On the average you'll save one quarter of your jury costs. Once in awhile you will get burnt when none of the trials fold, but this may be well worth the savings in costs and inconvenience to your jurors.



C. Call-in of Jurors:

Jurors will be called in for specific trial activities. In no case will jurors be instructed to show up at the court for a number of consecutive days in case trials should be scheduled. Jurors will be called in for specific days, for a specific trial or trials that have been placed on the calendar. There are two methods by which jurors are called in:

1. Direct Contact: Jurors required are directly contacted to notify them that they must report for jury duty at a specific date and time. If the number of jurors required is less than the number summoned, choose the jurors to be called in the following order:
  - a. Those selected for a previous period but deferred to the current period. Select these by computer selection number.
  - b. Those selected for the current period by computer selection number.
2. Message: A prerecorded message informing jurors who must report can be left on special telephone equipment. Under this system jurors are automatically and randomly assigned to panels of between 15 and 20, thus allowing the jury clerks to identify jurors by panel number or letter. Thus a prerecorded message, "All jurors in panel C report to the courthouse at 8:30 a.m. tomorrow" can be used instead of identifying each juror by name.

## Preparation of Jury List For Trial

Prepare the juror attendance sheet (Appendix Two) by typing the juror's names in alphabetical order. Make copies of each juror's questionnaire for the plaintiff and the defendant counsel only if they specifically request them. Separate jury payment cards and selection cards from the questionnaire and keep them together in alphabetical order.

### D. Attendance:

Take the roll of jurors after they assemble. Annotate attendance on the attendance sheet (See Appendix Two) using the following symbols:

Absent	<input type="checkbox"/> A
Excused	<input type="checkbox"/> E
Half days service	<input type="checkbox"/> /
Full days service	<input type="checkbox"/> X

It is important for our public image that we make some effort to reduce juror absenteeism. This can be done by either telephone followup or making a periodic example of what sanctions the court can impose on jurors who are absent.

E. Orientation:

When the jurors have assembled present them with a short orientation. The following points should be covered in this orientation:

1. Since the primary juror complaint is waiting, explain to them why they are waiting and why they may show up only to have the case they are assigned to fold.
2. Suggest the best places to park their cars;
3. Explain when they can expect to be paid;
4. Pass out exit questionnaires (See Appendix Two) and ask the jurors to fill them out on the last day of their service.
5. Inform them that, if they desire, they can obtain a certification of service for their employer (Appendix Two) from the jury clerk.
6. Distribute to the jurors the jury handbook;
7. For larger locations you may wish to show a short movie on jury service. We recommend "HOW DO YOU FIND". Contact Technical Operations for any questions on how to obtain this film.

Voir Dire

When the trial is ready to begin, send the panel of jurors to the courtroom along with the jury selection cards and a copy of the attendance sheet. During voir dire the in-court clerk will complete the Selection of Jurors (Appendix Two) form in the following manner:

1. Fill in the top of the form. Be sure to note the number of jurors sent to the courtroom. This information is necessary to adjust panel sizes.
2. As each juror is called to the jury box, enter his or her name on the next available line.
3. If the juror is excused for cause or as the result of a peremptory challenge, put an 'X' in the proper block.
4. Place the date and time voir dire starts and ends in the top portion of the form.
5. Place the date and time deliberation starts in the top portion of the form.
6. Send the second copy of the form to Technical Operations in Anchorage.

#### IV. JUROR EXIT PROCEDURE

After the juror has completed his period of service, there are four tasks to be performed:

1. Payment
2. Exit Questionnaires
3. Certificate of Juror Service
4. Thank You Letters

#### Payment of Jurors

Automated courts will enter payment data via computer terminal directly from the attendance sheets. These attendance sheets should then be filed and stored for three years plus the current year. Thus if the current year is 1978, the file should include attendance sheets for 1975, 1976, 1977 and 1978.

For non-automated courts, juror service will be entered on the Jury Payment Card.

#### Jury Payment Card (Reference Appendix Two)

The payment card is automatically produced by the computer with name, address and venire number preprinted. For each day of service enter the following information:

1. Amount - enter only if payment is for travel or per diem. The computer will automatically calculate jury service fees.
2. L - Level of Court - enter one of following  
D - District Court  
S - Superior Court
3. Case Number;
4. Date of Service;  
M - Month  
D - Day  
Y - Year
5. Time of Day;  
AM - Morning  
PM - Afternoon  
Check both if all day

#### Data Processing

The computer prepares checks twice a month. At least once a month send your payment cards to Technical Operations. The warrants produced will be mailed from Anchorage and the payment cards returned to you for additional entries if the juror is still serving or, for filing if the juror has completed service. The file of payment cards should contain three years plus the current year. Thus, if the current year is 1978, the file should include payment cards for 1975, 1976, 1977 and 1978.

#### Juror Exit Interview

If trials are a regular occurrence at your court (e.g., at least once a month), you are encouraged to ask your jurors to complete the juror exit questionnaire (Appendix Two) at the completion of

service. Keep the first copy of the questionnaire for your purposes and send the second copy to Technical Operations. After you are finished using your copies of the questionnaires, you may throw them away.

#### Certificate of Juror's Attendance

If requested by the juror, fill out a certificate of attendance as shown in Appendix Two.

#### Thank You Letters

You are encouraged to send jurors who have served, thank you letters such as those shown in Appendix Two.



APPENDIX 1

LOGIC FOR ELIMINATING DUPLICATE NAMES

Jury File

The Jury File is composed of records from three sources: (1) Voters Registration, (2) Fishing and Hunting Licenses, (3) Income Tax. There are identifiers in each file that are used to match and eliminate duplicate records.

<u>ELEMENT</u>	<u>VOTERS</u>	<u>FISH AND GAME</u>	<u>INCOME TAX</u>
Last Name	Yes	Yes	Yes
First Name	Yes	Yes	No
First Initial	Yes	Yes	Yes
Middle Initial	Yes	Yes	Yes
Date of Birth	Yes	Yes	No
Soc. Sec. Number	Yes	Yes	Yes
Mailing Address	Yes	Yes	Yes

It would appear that Social Security Number could be used to match the three files and eliminate duplicates, however, this is not true because Social Security Number is not a required element in the Voters and Fish and Game files and spouses on the Income Tax File are not required to have a Social Security Number. Approximately 24 percent of the combined records do not contain Social Security Number.

Therefore the following procedure is used to eliminate duplicate records:

1. Match all files by Social Security Number and Last Name or First Initial. Approximately 3,000 records have the same Social Security Number but are

different individuals. If the Last Name is the same or the First Initial is the same, the record is merged. This allows for women changing their Last Name through marriage during the year.

2. The Income Tax file is matched to the Drivers file by Social Security Number, Last Name and First Initial. On any matching record, the complete First Name and Date of Birth is transferred from the Drivers File to the Income Tax File.
3. The merged files are sorted to Last Name, First Name, Date of Birth and the numeric digits of Mailing Address. Duplicates are eliminated by the following elements:
  - A. Last Name, First Name, Date of Birth.
  - B. Last Name, First Name, Address Numeric Digits.
  - C. Last name, First Name, 7 of the 9 digits of the Social Security Number.
4. Experience has shown that Social Security Number is not a valid identifier, even if present, because of transpositions of number and individuals using another person's number. Therefore, name, date of birth and the mailing address fields are also used to eliminate duplicates.
5. Each record type contains a date that is used to determine which address is the latest. However, the Voters File date is the original date of registration and not the last address change date. Therefore, in most cases where records match the Voters File, the Voters File address field is not used unless it is a recent registration.

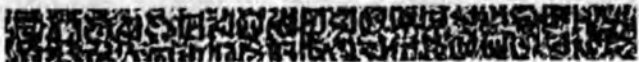
## APPENDIX 2

### JURY FORMS

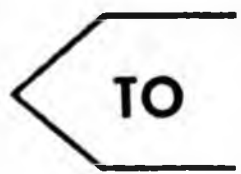
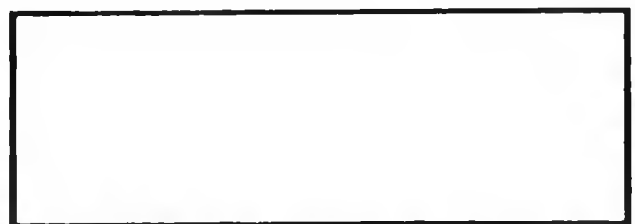
1. Anchorage Mailer for Summons and Questionnaire-Petit Jury
2. Statewide Juror Questionnaire
3. Anchorage Summons and Information Sheet-Petit Jury
4. Return Mailer for Questionnaire
5. Statewide Mailer for Questionnaire
6. Statewide Information Sheet
7. Statewide Return Mailer for Questionnaire
8. Computer Produced Juror Labels
9. Anchorage Excusal from Jury Service
10. Statewide Computer Excusal from Jury Service
11. Statewide Manual Excusal from Jury Service
12. Statewide Mailer from Summons
13. Statewide Summons
14. Anchorage Reminder of Service
15. Disqualification/Excusal Roster
16. Attendance Roster
17. Selection of Juror Roster
18. Juror Payment Card
19. Certificate of Attendance
20. Juror Exit Questionnaire
21. Thank You Letter



FIRST CLASS MAIL  
U.S. POSTAGE  
PAID ONE OUNCE  
PERMIT NO. 250



JURY CLERK  
ALASKA COURT SYSTEM  
303 K STREET  
ANCHORAGE, ALASKA 99501



POSTMASTER:  
Please do not forward  
out of Alaska



IMPORTANT

30

JURY SUMMONS  
AND QUESTIONNAIRE ENCLOSED  
OPEN AND READ IMMEDIATELY

J7-AP

**PROSPECTIVE JURY QUESTIONNAIRE**

**(PLEASE PRINT)**

			1b. IF NAME AT LEFT IS INCORRECT, SHOW CORRECTLY				2. DATE OF BIRTH					
MALE	FEMALE	4a. HOME PHONE	4b. WORK PHONE	4c. MESSAGE PHONE	5. MARITAL STATUS	MARRIED	DIVORCED	WIDOWER	WIDOW	SEPARATED	SINGLE	
EMPLOYED BY			6b. EMPLOYER'S ADDRESS				6. HOW LONG EMPLOYED		6a. OCCUPATION			
WIFE'S NAME			7b. SPOUSE'S OCCUPATION			7c. SPOUSE EMPLOYED BY						
NUMBER OF CHILDREN		8b. AGES OF CHILDREN		8c. IS CHILD CARE AVAILABLE		9. HOW LONG HAVE YOU LIVED IN ALASKA						
YOU EVER CONVICTED FELONY	YES	NO	10b. IF YES HAVE YOUR CIVIL RIGHTS BEEN RESTORED	YES	NO	11a. HAVE YOU EVER SERVED ON A JURY	YES	NO	11b. DATE OF LAST JURY SERVICE			
MAIL ADDRESS				12b. IF ADDRESS AT LEFT IS INCORRECT, SHOW CORRECTLY				12c. RESIDENCE ADDRESS				
YOU DRIVE A MOTOR VEHICLE	YES	NO	13b. IF YES HOW LONG	14. HOW FAR DO YOU LIVE FROM THE COURT HOUSE LOCATED AT 4th AND K STREETS IN ANCHORAGE?								
15. ANSWER YES OR NO TO THE FOLLOWING QUESTIONS						<p>A PERSON MAY CLAIM EXEMPTION AND MAY BE EXCUSED FROM JURY DUTY</p> <p>A. IF HIS HEALTH, THE HEALTH OR PROPER CARE OF HIS FAMILY OR THE SICKNESS OR DEATH OF A MEMBER OF HIS FAMILY MAKES IT NECESSARY FOR HIM TO BE EXCUSED (Physician's Certificate Required)</p> <p>B. OR IF HE IS: 1) A JUDICIAL OFFICER; 2) AN ATTORNEY; 3) A MINISTER OF THE GOSPEL OR PRIEST OF ANY DENOMINATION; 4) ANY OTHER CIVIL OFFICER OF THE STATE OF ALASKA OR THE UNITED STATES WHOSE DUTIES ARE AT THE TIME INCONSISTENT WITH HIS OR HER ATTENDANCE OR SERVICE AS A JUROR; 5) A TEACHER IN A UNIVERSITY, COLLEGE, ACADEMY OR SCHOOL; 6) A PRACTICING PHYSICIAN; 7) A PRACTICING DENTIST.</p>						
15a. ARE YOU A CITIZEN OF THE UNITED STATES? IF YES BY BIRTH <input type="checkbox"/> OR NATURALIZATION <input type="checkbox"/>												
15b. ARE YOU A RESIDENT OF THE STATE OF ALASKA?												
15c. ARE YOU AT LEAST 19 YEARS OF AGE?												
15d. CAN YOU READ AND SPEAK THE ENGLISH LANGUAGE?												
15e. ARE YOU OF SOUND MIND?												
15f. DO YOU HAVE ADEQUATE EYESIGHT TO SERVE ON JURY DUTY (CORRECTABLE WITH GLASSES)?												
15g. DO YOU HAVE ADEQUATE HEARING TO SERVE ON JURY DUTY (CORRECTABLE WITH HEARING DEVICE)?												
PLAIN ALL NO ANSWERS (USE BACK IF NEEDED)												
WILL BE EXCUSED FROM JURY DUTY IF ANY OF THE ABOVE ARE VALIDLY MARKED NO												
16. ANSWER YES OR NO TO THE FOLLOWING QUESTIONS						17a. ARE YOU IN ANY OF THESE CATEGORIES		YES	NO	17b. WHICH ONE		
16a. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BROUGHT SUIT FOR PERSONAL INJURIES?												
16b. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN SUED FOR PERSONAL INJURIES?												
16c. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN A PARTY TO ANY OTHER KIND OF LAWSUIT?						17c. DO YOU REQUEST EXCUSE FROM JURY DUTY BECAUSE OF BEING IN SUCH CATEGORY						
16d. ARE YOU RELATED TO OR CLOSE FRIENDS WITH ANY LAW ENFORCEMENT OFFICER OR PROSECUTOR?												
						IF YOU NEED TO REQUEST AN EXCUSE ON ANY OTHER GROUNDS, A WRITTEN EXPLANATION IS REQUIRED TO ACCOMPANY THIS QUESTIONNAIRE IF POSSIBLE						
CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND CORRECT						A PHYSICIAN'S STATEMENT IS REQUIRED FOR ALL PHYSICAL IMPAIRMENTS						
SIGNATURE						DATE						
						ALL FEES FOR JURY SERVICE ARE PAID AT PUBLIC EXPENSE						

**FOR THE TRIAL COURTS - THIRD JUDICIAL DISTRICT - STATE OF ALASKA**

**SUMMONS FOR PETIT JURY DUTY**

You are hereby summoned to appear before the Trial Courts for the State of Alaska, Third Judicial District, in the Alaska Court Building at 303 K Street for jury duty.

Please complete and return the enclosed questionnaire (pink sheet) within ten days. Return only the completed questionnaire (pink sheet) and any supporting letters necessary. **KEEP THIS SUMMONS AND INFORMATION (white sheet) as it will not be sent to you again.**

You are required to comply with this summons unless notified by the Court that you have been excused. Consider any request for excusal denied unless you are so notified. **THIS IS THE ONLY OPPORTUNITY TO REQUEST AN EXCUSE.**

Failure to attend in accordance with this summons is punishable by fine, imprisonment, or both, unless excused by the Court.

*Ralph E. Moody*

RALPH E. MOODY PRESIDING JUDGE

NAME OF PERSON SUMMONED	<p align="center"><b>PLACE THIS INFORMATION NEXT TO YOUR TELEPHONE AS YOU WILL NEED IT ON A DAILY BASIS DURING YOUR PERIOD OF JURY SERVICE.</b></p> <p align="center"><b>278 - 3618</b> <b>JURY CALL-IN NUMBER AFTER 4:00 PM</b></p>
FIRST DAY TO CALL IN	
LAST DAY TO CALL IN	
YOU HAVE BEEN ASSIGNED TO THIS CALL IN GROUP	

1. The Alaska Court uses a "call-in" system to inform jurors when their services will be required on the next trial day. Each of you must understand and observe several key provisions if this system is to work:
  - a. You have been divided into groups so that the message can be brief. Please remember your group designation.
  - b. Whenever you are actually serving on a jury, you must follow the instructions of the Judge. You should not call in unless the trial is completed and you have been excused from that panel.
  - c. Each juror not actually serving on a jury must call the telephone number noted above after 4:00 p.m. each day. You can expect to receive a recorded message such as "The following groups will be needed Monday, July 1, room 402, at 9:00 a.m. Groups A, B, and C, plus Deborah Doe and Richard Roe."
  - d. If your group or name is not mentioned in the message, you are excused from service and should not come in the next day. However, remember to call in the next evening.
2. FAILURE TO MAKE THE REQUIRED DAILY PHONE CALL OR TO APPEAR IN ACCORDANCE WITH INSTRUCTIONS ON THE RECORDED MESSAGE IS PUNISHABLE BY FINE, IMPRISONMENT, OR BOTH, UNLESS EXCUSED BY THE COURT.

**PLEASE READ REVERSE FOR GENERAL INFORMATION ON JURY SERVICE**

## General Information For Jurors

Location The Courthouse is located at 303 K Street. It is a two-building complex. When you are notified to report for service as a juror, you will usually be asked to report to room 402, which is in the building closest to Third Avenue.

Questions concerning jury service should be directed to the Jury Clerk, room 405, telephone 278-3618. You may receive emergency calls through this number also.

Room 402 is the Jury Assemble Room. Coffee is available there, as well as magazines. You may bring a lunch and eat there or go to the basement where there are tables, chairs, and vending machines.

You will not necessarily serve the entire term. Your name will be randomly selected for individual trials. Should you be serving as a member of a trial jury panel at the expiration of the term, you will be required to continue your service until the case has been completed or you are discharged by the Court. Normally, jury trial hours are from 9:00 a.m. to 4:30 p.m. and occasionally later, Mondays through Fridays.

Juror Fees The jury fee is \$15.00 for each full day of service and \$7.50 for each half day of service. Payment is computed on the last day of service, sent to the computer for printing of checks and compilation of statistical reports, and a check will be mailed to you within two weeks. On your check it will be itemized by dates and full or half day service.

Certificate of Service Many employers require that a certificate of attendance be furnished as proof of jury service. If this is required of you, a certificate may be obtained from the Jury Clerk. They may be done on a daily basis.

We will try to cause you as little inconvenience as possible during your period of service as a juror. However, there will be times when you will be called to appear for service only to find that a jury is not needed. This happens when a case settles at the time it is scheduled for trial. The Court has no control over this. All litigants have the right to change their plea. This is part of the American system of justice. Also we try to give about a days notice when you will be needed. Sometimes, however, cases come up that we will need to call you by phone to come in as soon as possible. There will also be times when you will spend time waiting in a jury room while counsel are arguing motions to the Court out of the presence of the jury. We hope that your waiting time will be minimal and that you will find your service as a juror to be interesting and enjoyable.

SFA P 77/12/01 050546-1 PANEL 01

RCHN D ABBOTT  
PO BOX 843  
FAIRBANKS AK

99707

SFA P 77/12/01 050647-7 PANEL 01

WARD ADAMS  
ST RT BOX 501a8  
FAIRBANKS AK

99701

SFA P 77/12/01 050727-7 PANEL 01

FATRICIA C BROOKS  
4020-3 PINE ST  
FT WAINWRIGHT AK

99703

SFA P 77/12/01 050729-3 PANEL 01

V J FERGUSON  
809 16 ST  
FAIRBANKS AK

99701

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE PRINT RETURN ADDRESS

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PERMIT NO. 81  
ANCHORAGE, ALASKA

**BUSINESS REPLY MAIL**

NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

POSTAGE WILL BE PAID BY

**ALASKA COURT SYSTEM  
303 K STREET  
ANCHORAGE, ALASKA  
99501**



**ATTN: JURY CLERK**

35

JURY CLERK  
ALASKA COURT SYSTEM

FROM



FIRST CLASS MAIL  
U.S. POSTAGE  
PAID ONE OUNCE  
PERMIT NO. 210



POSTMASTER:  
Please do not forward  
out of Alaska

36



J7- S

- IMPORTANT -

JURY QUESTIONNAIRE ENCLOSED — OPEN AND READ IMMEDIATELY

**FOR THE TRIAL COURTS**

**STATE OF ALASKA**

**PLEASE KEEP THIS SHEET  
FOR YOUR INFORMATION**

THE LOCATION OF THE COURT HOUSE IS

THE JURY CLERK'S PHONE NUMBER IS

Please complete the attached questionnaire (pink sheet) immediately, answer all questions, date and sign it, and mail it with any required enclosures to the Jury Clerk. A postage paid return envelope is provided for your convenience. Please refer all questions to the jury clerk before 4:00 P.M. The phone number for the jury clerk is shown above.

**GREETINGS:** You have been selected to serve as a juror for the Trial Courts.

If you request and are granted an excuse from service, you will be so notified. **THIS IS THE ONLY OPPORTUNITY TO REQUEST AN EXCUSE. NOT RECEIVING A REQUEST FOR EXCUSE, AND IF FOUND QUALIFIED YOU WILL BE SUMMONED TO SERVE.** A summons will be issued for the commencement of your service and you will be furnished instructions regarding your appearance.

Failure to return the completed questionnaire within seven (7) days after its receipt will result in a summons being issued for your personal appearance before the court to explain why you failed to comply with this request.

**INFORMATION SHEET**

**FOLD FLAP DOWN AND MOISTEN TO SEAL**

INTERNATIONAL MAIL PERMIT NO. 81 ANCHORAGE, ALASKA

**PLEASE USE THIS POSTAGE PAID ENVELOPE TO RETURN YOUR COMPLETED QUESTIONNAIRE AND ACCOMPANYING STATEMENTS**

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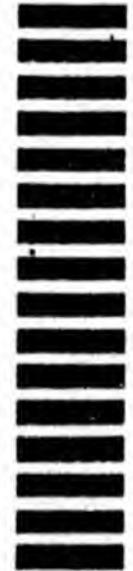
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**ALASKA COURT SYSTEM**



38

**ATTN: JURY CLERK**

CLERK  
ALASKA COURT SYSTEM  
K STREET  
ANCHORAGE, ALASKA 99501



FIRST CLASS MAIL  
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TO

**EXCUSE FROM JURY SERVICE**

**J - 8**

**FOR THE TRIAL COURTS - THIRD JUDICIAL DISTRICT - STATE OF ALASKA**

**EXCUSE FROM JURY SERVICE**

TO

You have been excused from service as a member of our jury panel for the reason shown below. It is not necessary for you to appear on the date for which you were summoned.

  
RALPH E. MOODY PRESIDING JUDGE

JURY CLERK - ALASKA COURT SYSTEM

TO

You have been excused from service as a member of our jury panel for the reason shown below.

**EXCUSE  
FROM  
JURY  
SERVICE**

TRIAL COURTS  
STATE OF ALASKA  
\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_, Alaska 99 \_\_\_\_

DATE: \_\_\_\_\_

You have been excused from service as a member of our petit jury panel for the reason listed below.

It is not necessary for you to appear on the date for which you were summoned.

- |   |   |
|---|---|
| <input type="checkbox"/> Child Care                     | <input type="checkbox"/> Hardship             |
| <input type="checkbox"/> Non Resident                   | <input type="checkbox"/> Medical              |
| <input type="checkbox"/> Under Age                      | <input type="checkbox"/> Profession           |
| <input type="checkbox"/> Over 30 miles                  | <input type="checkbox"/> No Transportation    |
| <input type="checkbox"/> Served within 2 years          | <input type="checkbox"/> Out of State         |
| <input type="checkbox"/> Not a U.S. Citizen             | <input type="checkbox"/> Civil Rights Revoked |
| <input type="checkbox"/> Excused to a Later Date: _____ |   |

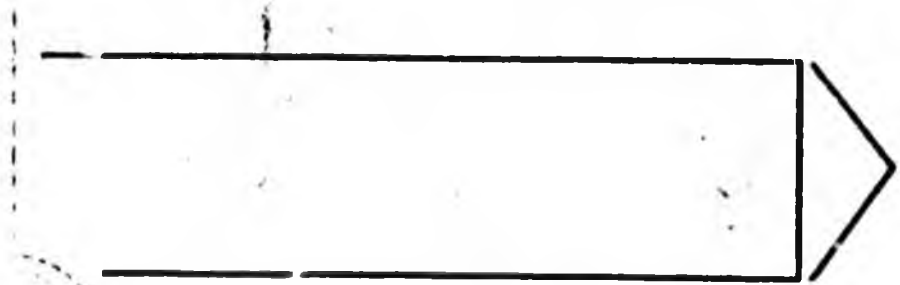
Very truly yours,

SUPERIOR COURT JUDGE/MAGISTRATE

**JURY CLERK - ALASKA COURT SYSTEM**



**FIRST CLASS MAIL  
U.S. POSTAGE  
PAID ONE OUNCE  
PERMIT NO. 250**



**TO**



42

**JURY SUMMONS ENCLOSED - OPEN AND READ IMMEDIATELY**

**J - 9**

**JURY CLERK - ALASKA COURT SYSTEM**

|| |

**TO**

**GREETINGS:** You are hereby summoned to appear in this court at the date and time shown to serve as a juror on any matter regularly brought before the Court, and you will serve until such time as you are excused by a judicial officer of competent jurisdiction.

**DATE TO APPEAR**

**TIME TO APPEAR**

**JURY SUMMONS**


43

THIS IS TO REMIND YOU THAT YOU HAVE BEEN SUMMONED TO APPEAR BEFORE THE TRIAL COURTS, THIRD JUDICIAL DISTRICT, AT ANCHORAGE. THIS COURT USES A CALL-IN SYSTEM TO INFORM JURORS OF THE EXACT DATE AND TIME THEIR SERVICES WILL BE REQUIRED. YOUR CALL IN GROUP AND THE FIRST AND LAST DAYS TO CALL IN ARE SHOWN ON THE REVERSE SIDE OF THIS NOTICE.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT 278-3618, BEFORE 4:00 PM.

THANK YOU

JURY CLERK

JURY CLERK  
ALASKA COURT SYSTEM  
303 K STREET  
ANCHORAGE, ALASKA 99501



FIRST CLASS MAIL  
U.S. POSTAGE  
PAID ONE OUNCE  
PERMIT NO. 250



CALL IN NUMBER  
AFTER 4:00 P.M.  
278-3618

PLEASE READ REVERSE

J-10

FIRST DAY TO CALL IN

LAST DAY TO CALL IN

CALL IN GROUP

**DISQUALIFICATION/EXCUSAL ROSTER**

Name	Venira No.	Date Excused	Reason for Excuse
1			
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JUROR ATTENDANCE ROSTER

Name	Comments	Days in Trial				
1						
2						
3						
4						
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11						
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35						

THE (SUPERIOR) (DISTRICT) COURT FOR THE STATE OF ALASKA

AT \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
JUDGE

CASE NO. \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

No. of Jurors  
sent to the  
Courtroom

Date


Time

Voir Dire Started	Voir Dire Ended	Delibera- tion Started	Delibera- tion Ended
----------------------	--------------------	------------------------------	----------------------------

SELECTION OF JURORS

No.	Name	Excused				court for cause	Remarks
		Plaintiff		Defendant			
		Cause	Peremp- tory	Cause	Peremp- tory		
1							
2							
3							
4							
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7							
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17							
18							
19							
20							
21							
22							



Certificate of Jurors' Attendance

THE TRIAL COURTS FOR THE STATE OF ALASKA  
\_\_\_\_ JUDICIAL DISTRICT

This is to certify that \_\_\_\_\_  
attended upon this court as a juror duly summoned according to law on  
\_\_\_\_\_ (date).

\_\_\_\_\_  
Presiding Judge

BY \_\_\_\_\_  
Jury Clerk

DATED: \_\_\_\_\_

ALASKA COURT SYSTEM

JURY SERVICE EXIT QUESTIONNAIRE

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

1. How many times did you show up at the courthouse? \_\_\_\_\_
2. Approximately how many hours did you spend at the courthouse? \_\_\_\_\_
3. Of these hours, how many were spent in the jury waiting room? \_\_\_\_\_
4. How many times were you chosen to report to a courtroom? \_\_\_\_\_
5. How many times were you actually selected to be juror? \_\_\_\_\_
6. Have you ever served on jury duty before? \_\_\_\_\_ How many times? \_\_\_\_\_
7. Did you lose income as a result of jury Service?  Yes How much? \_\_\_\_\_  
 No
8. After having served, what is your impression of jury service? (Answer one)
  - A. The same as before - favorable
  - B. The same as before - unfavorable?
  - C. More favorable than before?
  - D. Less favorable than before?
9. In what ways do you think jury service can be improved?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following information will help us ensure that we are selecting jurors from a fair cross-section of our population.

10. Age:      18-20      21-24      25-34      35-44      45-54      55-64      65-Over  
                                                       
                 (a)      (b)      (c)      (d)      (e)      (f)      (g)
11. Sex:       Female  
                  Male
12. Occupation: \_\_\_\_\_
13. Race: \_\_\_\_\_



## Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT  
303 K STREET  
ANCHORAGE, ALASKA 99501

TO: ALL JURORS

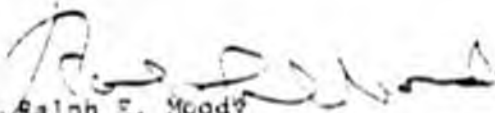
On behalf of the Alaska Court System, I want to thank you for your participation as a petit juror in our judicial system.

We realize the inconvenience of readjusting personal schedules to appear when jury panels are called, the waiting involved during the jury selection process, or being called only to find that a jury is not needed because the case has settled too late, making it impossible to call and advise the jurors not to report.

This is part of the American system of justice, in which every person has the opportunity to be judged by a group of his peers. We hope that you have found your service as a juror to be interesting and enjoyable.

Jury fees are paid at the rate of \$15.00 for a full day of service and \$7.50 for a half day of service. In addition to the jury fees, a parking allowance is paid at \$5.00 for a full day and \$2.50 for a half day.

Sincerely,

  
Ralph E. Moody  
Presiding Judge  
Third Judicial District



## APPENDIX 3

### JURY SYSTEM REPORTS

1. Venire List
2. Jurors by Venire Number
3. Juror by Name
4. Jurors Summons
5. Jurors Excused

JURY	JUROR NUMBER	LNAME	FNAME	MI	DOB	ADDRESS CITY ST	COURT SERVING	JURY TYPE	DATE SELECTED	CG	TALLY
10	050732-7	URPHAN	K	F		1373 TURNER ST. FAIRBANKS AK	SFA	P	780101	01	
10	050756-5	COOPER JR	DANIEL	M	461913	3312 RIVERVIEW DR FAIRBANKS AK	SFA	P	780101	02	
10	050772-3	APPEL	ROBERT	A	571200	238 MOORE HALL U OF A FAIRBANKS AK	SFA	P	780101	03	
10	050774-0	STEOVICIC	MATILDA	M	220424	323 CHARLES ST FAIRBANKS AK	SFA	P	780101	04	
10	050793-4	HULLINGER	WILLIAM	C	330814	4732 DALE RD. FAIRBANKS AK	SFA	P	780101	05	
10	050804-4	GUTLER	MARY	A	310414	4573 WOODRIVER FAIRBANKS AK	SFA	P	780101	06	
10	050812-7	PHATEB	JERRY	A	400407	314 SLATER DR FAIRBANKS AK	SFA	P	780101	07	
10	050815-0	ALEXANDER	CHERYL	L	560718	BX 602 1409 SLATER ST #91 FAIRBANKS AK	SFA	P	780101	08	
10	050829-1	ENGEBRETSON	MARIE	F	190121	FAIRBANKS AK	SFA	P	780101	09	
10	050841-6	CAPLU	DONALD	D	440930	305 SLOUGH ST APT 1 FAIRBANKS AK	SFA	P	780101	10	
10	050852-4	SCOTT	P	A		4135 24 EIGHT ST. FT. W. AK	SFA	P	780101	11	
10	050864-0	SELLERS	PATRICIA	A	471127	2 MI LAURANCE RD C-2 FAIRBANKS AK	SFA	P	780101	12	
10	050896-5	MASCHNER	JANE	C	410820	3761 SWENSON FAIRBANKS AK	SFA	P	780101	13	
10	05091	MITCHELL	HEATHLE		410827	2117 LISGA FAIRBANKS AK	SFA	P	780101	14	
10	050914-4	CORRIGLLEY	GEORGE	F	440814	712 3RD AVE. FAIRBANKS AK	SFA	P	780101	15	
10	050952-7	SCHAEFF	MARK	L	430214	BOX 60313 FAIRBANKS AK	SFA	P	780101	16	
10	050953-7	STEELE	MICHAEL	S	440722	BOX 5 114 COLLEGE AK	SFA	P	780101	17	
10	050977-0	GORDON	MARY	L	250420	1516 BUTTERFLY LANE FAIRBANKS AK	SFA	P	780101	18	

11/16/77

## LIST OF JURORS IN ORDER BY LAST NAME

PAGE

1

JURY	NAME	FNAME	MI	DOB	ADDRESS CITY ST	JUROR NUMBER	COURT SERVING	JURY TYPE	DATE SELECTED	CG	TALLY
10	ADAMS	JOSEPH	S	500221	541 7TH FAIRBANKS AK	055017-5	SFA	P	780101	01	
10	ADAMS	NANCY	E	5012-5	1051 DOUGLASS ST FAIRBANKS AK	053077-1	SFA	P	780101	09	
10	AIDY JR	FRANK	L	200010	4011-1 PINE ST FAIRBANKS AK	052035-3	SFA	P	780101	04	
10	AGER	THOMAS	A	400731	11 40TH AVE FAIRBANKS AK	055929-4	SFA	P	780101	22	
10	AIRVALON	MARCIA	J	300104	2950 AIRPORT WAY FAIRBANKS AK	051404-2	SFA	P	780101	14	
10	AIR	YONG	S	400315	517 17TH ST #132 FAIRBANKS AK	053891-8	SFA	P	780101	16	
10	AIRBORNE	CRALD	M	500010	012 3RD AVE FAIRBANKS AK	055295-0	SFA	P	780101	08	
10	ALEXANDER	CHERYL	I	500710	114 022 1907 BEAVER ST FAIRBANKS AK	051015-0	SFA	P	780101	06	
10	ALEXANDER	ROSS	G	700400	500 WASHINGTON FAIRBANKS AK	055350-6	SFA	P	780101	16	
10	ALFORD	HARRY	K	300417	604 54TH NORTH POLE AK	054403-1	SFA	P	780101	21	
10	ALLERS	NIHMA		300010	4034 HARVARD CTR FAIRBANKS AK	053239-0	SFA	P	780101	18	
10	ALPAY	ROBERT	L	470200	2071 LAKEVIEW TERR FAIRBANKS AK	053147-5	SFA	P	780101	26	
10	AMAKER	GEORGE	K	501001	104 0473RD ST FAIRBANKS AK	053051-9	SFA	P	780101	10	
10	AMERSON	CHRISTINA	K	400010	104 10001 FAIRBANKS AK	051600-1	SFA	P	780101	15	
10	AM	MICHAEL	I	400427	3050 AIRPORT RD FAIRBANKS AK	050421-2	SFA	P	780101	22	
10	ANDERSON	ROBERT	I	201100	079 DONNIFIELD FAIRBANKS AK	053700-0	SFA	P	780101	21	
10	ANDERSON	DRUCE		570300	1507 TOWN STREET FAIRBANKS AK	051200-6	SFA	P	780101	07	
10	ANDERSON	CHRISTIAN	G	400200	FAIRBANKS AK	054019-8	SFA	P	780101	02	

LAST NAME	FIRST NAME	MI	JUROR NO					
ADAMS	MARC	W	050113-0	SUMMONS	FOR	73/04/07	CALL	GROUP 39
ADKISON	HARLAN	R	049914-5	SUMMONS	FOR	78/04/07	CALL	GROUP 36
AFFINITO	JOHN		049792-5	SUMMONS	FOR	79/04/07	CALL	GROUP 31
ALECK	R		051041-2	SUMMONS	FOR	73/04/07	CALL	GROUP 33
ALLEN	THOMAS	R	051026-3	SUMMONS	FOR	73/04/07	CALL	GROUP 40
ANDERSON	HARRIHA	L	050172-0	SUMMONS	FOR	78/04/07	CALL	GROUP 28
ANDERSON	ERIC		049644-H	SUMMONS	FOR	73/04/07	CALL	GROUP 27
AREND	GAIL	E	049329-6	SUMMONS	FOR	78/04/07	CALL	GROUP 35
AULIYE	MISCHA	J	051031-J	SUMMONS	FOR	78/04/07	CALL	GROUP 29
AVESUK	M		050435-7	SUMMONS	FOR	78/04/07	CALL	GROUP 29
BADGER II	PAUL	F	050152-8	SUMMONS	FOR	79/04/07	CALL	GROUP 35
BAKER	EDWARD		049198-5	SUMMONS	FOR	73/04/07	CALL	GROUP 28
BAKER	P	P	049146-4	SUMMONS	FOR	78/04/07	CALL	GROUP 35
BALDWIN	BRUCE	D	051203-H	SUMMONS	FOR	78/04/07	CALL	GROUP 30
BALDWIN	RAYMOND	W	050796-2	SUMMONS	FOR	78/04/07	CALL	GROUP 27
BALLOU	RICHARD	E	051433-1	SUMMONS	FOR	78/04/07	CALL	GROUP 39
BANKS	MARY	L	050135-3	SUMMONS	FOR	79/04/07	CALL	GROUP 30
BARDEN	SUSAN	M	049453-4	SUMMONS	FOR	79/04/07	CALL	GROUP 35
BARNETT	DORES	J	049316-J	SUMMONS	FOR	78/04/07	CALL	GROUP 27
BASEL	PATRICIA	M	049322-1	SUMMONS	FOR	73/04/07	CALL	GROUP 30
BAUMANN	ANDREW	E	050802-H	SUMMONS	FOR	78/04/07	CALL	GROUP 31
BEAUGARD	PATRICK	A	050740-0	SUMMONS	FOR	79/04/07	CALL	GROUP 33
BECK	HANDY	W	049251-2	SUMMONS	FOR	78/04/07	CALL	GROUP 32
BERKLEID	CYNTHIA	L	051274-4	SUMMONS	FOR	73/04/07	CALL	GROUP 19
BOETTGER	JUDITH	M	049901-2	SUMMONS	FOR	79/04/07	CALL	GROUP 28
BOWEN	DOUGLAS	H	049615-4	SUMMONS	FOR	78/04/07	CALL	GROUP 38
BRATCHEM	LARRY		051305-1	SUMMONS	FOR	78/04/07	CALL	GROUP 32
BRAIN	MARY	C	049342-V	SUMMONS	FOR	73/04/07	CALL	GROUP 40

HO1-41K-625M  
DATE 03/14/78

JURORS EXCUSED  
FOR SAN P 78/04/14

PAGE 21

LAST NAME	FIRST NAME	MI	JUROR NO	
WEGEN	JAMES	E	048934-4	EXCUSED THIS JURY YEAR OUT OF STATE
WEITZ	S	H	047647-3	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WEST	MADA	M	047707-5	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WETZEL	MARK	A	048211-7	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WELTON JR	GEORGE	W	047343-9	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITAKER	WILLIAM	H	048871-0	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITE	ELLIS	J	048877-7	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITE	LINDA	L	048177-0	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITE	WILLIAM	L	048172-7	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITE III	HAROLD	L	048771-0	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WHITENER	WAYNE	H	048982-5	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WICK	M	H	047205-0	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WIDERNAN	KATHY	I	047415-5	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WIESE	HARRY	C	047949-3	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILKINGS	KENNETH	H	048199-4	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILLIAMS	C	M	047939-4	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILLIAMS	HUTHIE	M	047501-2	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILLIS	HELEN	K	048160-0	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILLOIT	RICHARD	H	047930-3	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILSON	DAVID	L	047410-3	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILSON	DONALD		047221-7	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILSON	JENNIFER	L	047574-9	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILSON	MARY	L	047908-9	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WILSON	WILLARD	G	047197-9	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WINGLHSON	JOHN	H	048982-3	EXCUSED THIS JURY YEAR NON RESIDENT
WINN	G	M	048906-2	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WRIGHT	NEAL	M	047886-3	EXCUSED THIS JURY YEAR RETURNED BY MAIL
WUERTH	MARIA		048871-4	EXCUSED THIS JURY YEAR RETURNED BY MAIL



APPENDIX 4

OPERATING PROCEDURES FOR AUTOMATED  
JURY SYSTEM

(To be provided at a later date.)



APPENDIX 5

JURY STATUTE  
CODE OF CIVIL PROCEDURES

**Chapter 20. Trial.**

**Article**

- 1. Jurors (§§ 09.20.010—09.20.100)
- 2. Witnesses (§§ 09.20.110—09.20.180)

**Article 1. Jurors.**

**Section**

- 10. Qualification of jurors
- 20. Disqualification of jurors
- 25. Limitation on jury service
- 30. Exemptions
- 40. Compliance with statute
- 50. Jury list

**Section**

- 60. Use of jury box
- 70. Public drawing for jurors for panel
- 80. Jury panel
- 90. Impaneling the trial jury
- 100. Verdicts

**Sec. 09.20.010. Qualification of jurors.** A person is qualified to act as a juror if he is

- (1) a citizen of the United States;
- (2) a resident of the state;
- (3) at least 19 years of age;
- (4) of sound mind;
- (5) in possession of his natural faculties; and
- (6) able to read or speak the English language. (§ 2.01 ch 101 SLA 1962; am § 3 ch 245 SLA 1970)

*Cross reference.* — See Civ. R. 47(c).

*Legislative committee report.* — Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CSHB 406 (Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement — 6.

To define the qualification of jurors and prescribe the mode of their selection is a rightful subject of legislation. *Tynan v. United States*, 297 F. 177 (9th Cir.), cert. denied, 266 U.S. 604, 45 S. Ct. 91, 69 L. Ed. 463 (1924).

Quoted in *City of Kotzebue v. Ipa-* look, Sup. Ct. Op. No. 588 (File No. 1033), 462 P.2d 75 (1969).

Am. Jur., ALR and C.J.S. refer-

ences.—31 Am. Jur., Jury, §§ 67 to 101, 121 to 145.

Unfamiliarity with English as affecting competency of juror, 34 ALR 194.

Effect of exclusion of women from jury list, 52 ALR 922.

Intelligence or character test of qualifications of juror, 126 ALR 507.

Religious test of qualifications of juror, 126 ALR 526.

Loyalty test of qualifications of juror, 126 ALR 529.

Women as jurors, 157 ALR 561.

Deafness of juror as ground for impeaching verdict; waiver of objection thereto, 15 ALR2d 534, 537.

50 C.J.S. Juries §§ 134 to 152.

**Sec. 09.20.020. Disqualification of jurors.** A person is disqualified to act as a juror if he

- (1) has served as a juror in the state within one year of his time of examination for service;
- (2) has been convicted of a felony and his civil rights have not been restored. (§ 2.02 ch 101 SLA 1962)

*Cross reference.* — See Civ. R. 47(c).

ALR and C.J.S. references.—Criminal charge or conviction as disqualifying juror, 126 ALR 518.

Removal by executive of disqualif-

cation resulting from conviction of crime as applicable in case of conviction in federal court or court of another state, 135 ALR 1493.

Governing laws as to existence or character of offense for which one

has been convicted in a federal court or court of another state, as bearing upon disqualification to sit on jury, 175 ALR 805.

50 C.J.S. Juries §§ 153, 154.

**Sec. 09.20.025. Limitation on jury service.** No person may be required to serve more than three months as a juror during any consecutive two-year period. However, if a person is serving as a juror at the conclusion of the three months period, he shall complete the trial then in progress. (§ 1 ch 147 SLA 1968)

Legislative committee report.—For 548 am S), see 1968 House Journal, report on ch. 147, SLA 1968 (CSHB p. 497.

**Sec. 09.20.030. Exemptions.** A person may claim exemption and may be excused from service as a juror if it is shown that jury service will cause him to suffer material injury or destruction to his property or to the property entrusted to him, or if his health, the health or proper care of his family, or the sickness or death of a member of his family makes it necessary for him to be excused, or if he is

- (1) a judicial officer;
- (2) any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror;
- (3) an attorney;
- (4) a minister of the gospel or priest of any denomination;
- (5) a teacher in a university, college, academy, or school;
- (6) a practicing physician;
- (7) a practicing dentist. (§ 2.03 ch 101 SLA 1962, am § 1 ch 8 SLA 1964)

Cross reference.—See Civ. R. 47. officers as jurors in criminal cases, ALR and C.J.S. references. — Po- 140 ALR 1183.  
lice officers or other law enforcement 50 C.J.S. Juries § 153.

**Sec. 09.20.040. Compliance with statute.** The selection of jurors shall be made in substantial compliance with the following provisions. A failure in substantial compliance which prejudices the rights of a party is reversible error. (§ 2.04 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

**Sec. 09.20.050. Jury list.** (a) At such times as need may require, but not later than March 15 of each year, the administrative director of courts shall prepare for each judicial district a list of the names of the residents of the district who are qualified by law for jury service. If the superior court is located in different cities in the same judicial district, the administrative director shall prepare for each location of the court a list of the names of the qualified residents of that portion of the district considered by him to be appropriate.

(b) The jury list shall be based on a list of all persons who pur-

chased a resident trapping, hunting or fishing license during the preceding calendar year which showed an Alaskan address (to be prepared by the Department of Fish and Game), a list of all persons who filed a state income tax return during the preceding calendar year which showed an Alaskan address (to be prepared by the Department of Revenue), and a list of all persons who have registered to vote in this state (to be prepared by the lieutenant governor). The departments and the lieutenant governor shall submit their respective files to the Department of Administration not later than January 15 of each year. To the extent that it is available, the files submitted by the departments and the lieutenant governor shall contain the following information for each person on the list for the preceding calendar year: his first name, middle initial, and last name; his residence address as well as his mailing address, including the zip code for each; his social security number; his birth date; and the number of years and months he has been a resident of the state. The files submitted by the departments and the lieutenant governor shall be recorded on magnetic tape compatible with Department of Administration data processing equipment.

(c) A copy of the appropriate portion of the jury list shall be transmitted only to each district judge and each superior court judge, and shall only be used to summon jurors and for other state governmental purposes. A questionnaire for prospective jurors may be adopted and submitted to them by the administrative director of courts. (§ 2.05 ch 101 SLA 1962; am § 3 ch 24 SLA 1966; am § 1 ch 67 SLA 1969; am § 1 ch 10 SLA 1971)

**Cross references.**—See Civ. R. 47. See AS 22.10.030 and note thereto.

**Legislative committee report.**—For report on ch. 10, SLA 1971 (SCS CSHB 48 am S), see 1971 House Journal, p. 78.

**Constitutionality.**—There is nothing to indicate that under the voting list method of selection a fair cross section of the community is not represented, and that there is a systematic and intentional exclusion of a particular, cognizable group of persons. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**Meeting constitutional standard in jury selection.**—The constitutional standard in jury selection will be met if prospective jurors are drawn from a fair cross section of the community. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969); *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

**Legislative intent.**—If the legislature had intended that a new list be prepared under the 1969 amendment on or immediately after the effective date of that amendment, it could easily have indicated its intent in this regard. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**A determination of the method for selecting juries is a matter within the legislative prerogative.** *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**Jury selection in Alaska is regulated by statute and rules of procedure.** *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**This section provides for expansion of sources from which jury lists are compiled.** *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

**The jury is an essential institution**

in a democracy. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

As an institution, the jury offers Alaska citizens the opportunity to participate in the workings of government, and serves to legitimize the Alaska system of justice in the eyes of both the public and the accused. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And it serves multifaceted purposes. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The essential feature of a jury obviously lies in the interposition between the accused and his accuser of the common-sense judgment of a group of laymen, and in the community participation and shared responsibility that results from that group's determination of guilt or innocence. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine; that is, of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to a jury trial is a fundamental right, recognized as such throughout the nation by the constitutions of all the states and the federal government. Not only is such a right recognized, but it has been protected against nullification by the improper constitution of juries. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to jury trial contained in the 6th amendment is directly applicable to state prosecutions. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury is primarily charged with the task of finding the truth of the facts asserted. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And the jury fulfills other equally vital political and psychological purposes. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury must be an impartial one. This is an expression of the notion of what a proper jury is—a body truly representative of the community. Such a notion is in keeping with the basic, traditional concept of a democratic society and representative government. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to trial before an impartial jury is explicitly secured to individuals accused of crimes by Alaska Const., art. I, § 11. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Failure to provide accused with an impartial jury constitutes a denial of his constitutional right to due process of law. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The extension to the states of the 6th amendment right to jury trial necessarily comprehends the guarantee that juries shall be impartial. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Representation of a fair cross section of the community on the jury list is an essential prerequisite to an impartial jury under the Alaska Constitution. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury will be deemed impartial when the source from which it is drawn reasonably reflects a cross section of the population. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

An individual should not be forced, against his will, to stand trial before a jury which has been selected in such a manner as to exclude a significant element of the population of the community in which the crime was allegedly committed. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The contours of a fair cross section of the community are elusive and, indeed, they may not be susceptible of precise definition. *Alvarado v. State*,

Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Common-law vicinage.—See Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Vicinage in the historical sense is no longer a formal requirement. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The Alaska Constitution contains no formal provision for a jury of the vicinage. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The source of prospective jurors need not, in all instances, include residents of the place in which the crime was allegedly committed, for it is conceivable that the source of prospective jurors may exclude the scene of the alleged offense, yet still reasonably represent a cross section of the community which includes the scene of the offense. Thus, several decisions imply that selection of prospective jurors from a restricted area within a judicial district, even if the scene of the crime is omitted from that area, will be acceptable if there is no indication that the population of the restricted area differs significantly from the population of entire district. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The traditional starting point for determining the community from which jurors are to be selected is the scene of the alleged offense. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The legislature, has designated Alaska's four judicial districts as outer community boundaries for the purpose of selecting prospective jurors. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Judicial districts are not necessarily the only acceptable communities for the purpose of jury selection. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The practice of selecting jurors from more limited areas within Alaska judicial districts has been upheld. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

It is the community in which the

crime was committed that the jury must represent. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The area surrounding the location of the crime may be excluded from the source of selection when it appears that an unbiased jury could not be drawn therefrom. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Selecting jurors for cases arising within urban centers. — For cases arising from crimes allegedly committed within the various urban centers of Alaska, the maintenance of geographical limits currently in force will be acceptable; provided, of course, that selection within the given areas is not itself discriminatorily conducted. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And for cases arising outside urban and non-native centers.—As for cases arising outside the urban and predominately non-Native centers of Alaska, two acceptable and feasible alternatives may be employed in selecting jurors. First, jurors may be selected from among residents of the entire judicial district in which the crime is alleged to have occurred. A second alternative, one which is perhaps at the same time more desirable and more workable than the first, would be selection of jurors from the senate election district in which the crime is alleged to have occurred. Either of these alternatives would be calculated to produce jury panels satisfying the constitutional requirement of impartiality. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

All differences among individuals need not be recognized. — All differences among individuals, or every conceivable group, in the community need not be recognized for the purpose of representation on juries. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The exclusion of all daily wage earners is inconsistent with the notion of a jury representing a cross section of the community. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Systematic exclusion of women effectively negates the possibility of a jury representing a fair cross section

of the community. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

**Selection of grand and petit jurors.**—The provisions of this section and §§ 60 and 70 of this chapter permit each district to determine for itself questions pertaining to the selection of grand and petit jurors. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not sug-

gest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

C.J.S. reference.—50 C.J.S. Juries § 157.

**Sec. 09.20.060. Use of jury box.** The clerk of the court shall write the names included in the list on separate pieces of paper or prepare metal, plastic, or other types of pieces to correspond to numbers on the jury list. As directed by the court, he shall deposit the named or numbered pieces in the jury box in a number and manner to assure a fair and impartial drawing of the jury panel. The jury box and the named or numbered pieces may be examined by the parties or by an attorney authorized to practice law in the state within limitations and under conditions prescribed by the court. (§ 2.06 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not suggest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested

that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**Sec. 09.20.070. Public drawing for jurors for panel.** Under the direction of the court the clerk shall conduct the public drawing of jurors for the panel by shaking the box to mix the named or numbered pieces. The clerk shall then draw as many names or numbers as are ordered by the court to fill the jury panel. If the name or number of a person is drawn from the box and the person is deceased, unqualified, disqualified, or the person's atten-

dance cannot be obtained within a reasonable time or may involve a large and unnecessary expense, and the fact appears to the satisfaction of the court through the use of questionnaires or otherwise, the court may reject the name of that person and direct that the name or number of another be drawn in his place. (§ 2.07 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Constitutionality.**—This section is not violative of Alaska Const., art. I, § 11. *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

**Names of persons for the jury panel** are randomly selected from the jury list by the court clerk at a public drawing. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Summoning jurors from less than entire judicial district is discretionary.**—The question of how the superior court is to make the decision as to whether jurors should be summoned from less than the entire judicial district is for the court to determine in its discretion. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The legislature has given to the superior court the power to determine whether jurors should be summoned from less than the entire judicial district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**And expense is standard which guides court.**—The standard which guides the court in making a determination as to whether jurors should be summoned from less than the entire judicial district is whether a large and unnecessary expense is involved in obtaining jurors from all parts of the district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Selecting only jurors residing within 30 miles of trial site held proper.**—See *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

A grand jury selected from the city of Anchorage and an area within a 15-mile radius of the city is a jury which satisfies proper standards of jury selection. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The policy of calling jurors only from an area within a 15-mile radius of the city of Anchorage does not result in the exclusion from jury service of any particular and defined stratum of society so as to detract from the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

It is not required that there be equal representation on juries of every economic social religious, racial, political and geographical group of the entire judicial district in order to maintain the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Mere claim of benefit did not suggest officials biased.**—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Quoted in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**Sec. 09.20.080. Jury panel.** The jury panel for the trial of civil

cases consists of at least 24 jurors or more as determined by the court. If at any time the number of jurors on the panel falls below 24 or the regular panel is exhausted, the court shall order the clerk to complete the panel or secure additional jurors by drawing sufficient names from the jury box. (§ 2.08 ch 101 SLA 1962)

*Cross reference.*—See Civ. R. 47.

The law does not require the drawing of 24 names of those on the jury panel in impaneling a trial jury, but only, as provided by AS 09.20.090, a number "sufficient to name a jury of 12 unless the court directs otherwise." *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

*Waiver of right to challenge sufficiency of jury panel.*—Where party participated in the selection of the jury and said nothing as to the panel being insufficient until after the jury had been selected and sworn, this constituted a waiver of whatever right such party may have had to challenge the sufficiency of the jury panel. *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

*Jury selection procedures designed to insulate process from biases of of-*

*officials.*—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

*Mere claim of benefit did not suggest officials biased.*—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

*Presumption that official duty has been regularly performed.*—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Sec. 09.20.090. Impaneling the trial jury.** When a civil case which is to be tried by a jury is called for trial, the clerk shall draw from the trial jury box containing the names of those on the jury panel a number of names or numbers sufficient to name a jury of 12 unless the court directs otherwise. The prospective jurors shall be examined, challenged, and sworn as provided by rules of the supreme court. (§ 2.09 ch 101 SLA 1962)

*Cross references.*—See Civ. R. 47. See note to AS 09.20.080.

*C.J.S. reference.*—50 C.J.S. Juries § 192.

**Sec. 09.20.100. Verdicts.** In a civil case tried by a jury in any court, whether of record or not, not less than five-sixths of the jury may render a verdict, which is entitled to the legal effect of a unanimous verdict at common law. Special verdicts need not be concurred in by the same jurors. (§ 2.10 ch 101 SLA 1962)

*Cross reference.*—See Civ. R. 47.

*Legislative committee report.*—For legislative committee report on original bill, see 1969 *Herald Journal*, pp. 644, 906.

Stated in *Khalili v. American Petroleum Corp.*, 49 F.R.D. 22 (D. Alas. 1969).

*ALR and C.J.S. references.*—State statute permitting verdicts by less

than twelve jurymen as applicable to action under Federal Employer's Liability Act, 12 ALR 713; 38 ALR 910.

Quotient verdict, 52 ALR 41.

Verdict as affected by agreement in advance among jurors to abide by less than unanimous vote, 73 ALR 93.

89 C.J.S. Trial §§ 486-487.

# THE PETIT JURY SYSTEM IN ALASKA

## PART I

### JUROR SELECTION, QUALIFICATION AND PAYMENT

**ABSTRACT:** 1976 Petit juror costs in Alaska were over \$587,000. These costs will rise to over \$783,000 in 1977. This represents over \$1,000 per trial. In addition, it appears that our jury management system in Alaska is causing unwarranted inconveniences to our citizen jurors. This then is an arena for significant change.

Merle P. Martin  
Manager of Technical Operations  
Office of the Administrative Director  
Alaska Court System

September 1977

The Petit Jury System in Alaska Part I Jury Selection,  
Qualification and Payment.

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A.	Logic for Eliminating Duplicate Names
B.	Computer Randomization Technique
C.	Detailed Demographic Distribution from Jury Master List
D.	The Alaska Jury Statute

## A. OBJECTIVES METHODOLOGY, AND SUMMARY OF CONCLUSIONS

### The Setting:

There were 642 jury trials in the State courts of Alaska in 1976. Total cost for petit jurors was \$587,604. This represents an average cost per jury trial of \$915. At \$15 a juror per day, this equates to 61 juror days per trial. A common national objective for this statistic is that we should show less than 40 juror days per trial. If we could reach this desired level, we could save over \$200,000 a year in jury costs.

But minimizing costs is but one and, in our mind, the lesser objective. Those citizens on jury duty are guests in our courthouses for a small portion of their lives. The American, particularly western American, tradition for hospitality directs us to treat these guests with a minimum of inconvenience to them. In addition, it must also be remembered that these "guests" will vote in retention elections and on capital bond issues, and will contribute to the overall public impression of the justice system.

Yet, only 43 percent of Anchorage jurors questioned felt that scheduling of their time was good; one in five thought it poor. The figures for Fairbanks jurors were quite similar. And, just during the course of this study, we have answered inquiries about our jury system from the Anchorage Times, a TV station in Fairbanks, the Ombudsman's office, and a disgruntled juror in Kodiak. In addition, the Division of Legislative Audit has chosen to conduct an in-depth evaluation of jury management in Alaska. Something must be wrong for us to receive so much attention. At least we should find out if that is so. Such is the purpose of this study.

### Methodology:

This report was originally designed to cover the entire spectrum of juror management; from selection to qualification to utilization to payment. But the Legislative Audit study coupled with a technical assistance visit on juror utilization from Bird Engineering in Virginia caused us to revise our organization. The studies of these two groups are centered on juror utilization. Thus, rather than generate three separate reports on the same subject, we decided to delay

our report on juror utilization to a later date and to include in that report the fundings and recommendations of the Division of Legislative Audit and Bird Engineering. This makes sense in that juror selection, qualifications and payment are a statewide responsibility or subject to statewide policy while juror utilization is a responsibility of the individual trial courts.

This part one report will then be followed by a part two report on juror utilization. In addition, we will develop a part three report recommending the development of a juror information system. The genesis for this third report was the difficulty we had in acquiring standard or, in some cases, any data at all relating to juror management. It is patently evident that one of the greatest problems we have in this area is that we don't know what we're doing or how we are or should be doing. The development of a statewide juror information system will go a long way to improving our performance in this vital area.

The remainder of this report is organized into the following sections:

- B. The Juror Process
- C. Juror Selection
- D. Juror Qualifications
- E. Juror Payment

Summary of Conclusions:

Following are the summary of conclusions and recommendations from sections C, D, and E.

C. Juror Selection:

- The three source lists used to form our jury master list compliment each other quite well and the contribution of each list is not overbalanced by the duplicate names they contribute.
- The three percent level of possible duplicate names on the list is quite acceptable and will be reduced even further in 1978.
- The use of more current addresses on the 1977 list should decrease the number of questionnaires returned by the post office.

- Given the number of jurors we use on trials per year and the size of our jury master list, an Alaskan citizen can expect to sit on a jury once every 58 years.
- Evidence does not support the conclusion that Native Alaskans, as well as other non-caucasians, are not sufficiently represented on the master jury list through the voters registration source list.
- The 1977 jury master list is underrepresented in the 19 to 24 year age category and overrepresented in the 25 to 34 year age category. We will conduct a separate analysis to determine if use of the Drivers License file as another source list will alleviate this problem.
- There appears to be a slight male bias on the 1977 jury master list. That bias seems acceptable and uncorrectable.
- List coverage seems to be at least 90 percent of the population over 18 years of age.
- A significantly greater than expected or desired rate of Anchorage and Fairbanks jurors had served more than once before. To help alleviate this problem, we recommend that once a person has completed jury service, he or she not be eligible for further jury service for a period of five years. This will increase the number of people serving totally, and decrease the numbers with multiple service.
- Overall, the data from this study, combined with similar data from other states and the observations of Mr. Thomas Munsterman from Bird Engineering, led us to the conclusion that our multiple list jury selection process is among the best in the country.

D. Juror Qualifications:

- The undeliverable rates for juror questionnaires are 40 and 52 percent for Anchorage and Fairbanks respectively. The use of certified mail for those questionnaires returned by the post office would decrease these undeliverable rates, but at too great a cost to the court system. However, we do recommend that all questionnaires returned by the post office be compared to the city phone directory and, when an exact name match is found, the questionnaires be sent to the new address. This will decrease the undeliverable rates for Anchorage and Fairbanks to 35 and 45 percent respectively; with an investment of eight hours per jury clerk per month.

- The new lower undeliverable rates of 35 and 45 percent are related to the transient nature of Alaska's urban population. These rates cannot be further lowered on a cost effective basis.
- The professional exemptions to jury service listed in AS 09.20.30 show very little validity. Therefore, we recommend all exemptions be deleted. Those now exempted would still have the opportunity to apply for an excusal or deferral of service. Adoption of this recommendation would place us in line with national trends to eliminate or reduce exemptions from jury service.
- Anchorage disqualifies jurors who are military or military spouses unless they are Anchorage residents or own property in the State. Fairbanks considers all military and military spouses eligible for jury duty. We recommend that the Fairbanks policy be adopted statewide.
- Our 30 day jury service period is among the highest in the nation; this leads to higher excusal rates. We recommend an experiment wherein the term of jury service in Anchorage is decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes.
- We recommend that current lenient juror deferral of service be continued with necessary controls against abuse established by the automated system. This recommendation is critical to that of eliminating exemption from jury duty.
- The Anchorage juror excusal rate is twice that of Fairbanks. We recommend a somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.
- A person's impression of jury service (and thus of the judicial process) increases very favorably once he or she sits on a jury for the first time. This impression increases only slightly thereafter on subsequent sittings. We recommend that the period of juror service be considered complete once the juror has sat on one trial. This will decrease the probabilities of any person selected not having sat on a trial; it will also increase the numbers of persons selected for jury service serving on one trial, and thus becoming favorably impressed with jury service. Finally, it will decrease the time inconveniences of extensive jury duty, thus reducing reluctance to serve.

- Implementation of the above recommendations coupled with the implementation of our revised automated systems will increase questionnaires yield rates from 26 percent to about 67 percent in Anchorage and from 32 percent to about 52 percent in Fairbanks. This would bring our yield rates in line with national expectations and would save approximately \$2,000 a year in questionnaire costs.

E. Jury Pay:

- Losing money while serving as a juror significantly decreases a persons' favorable impression of jury service (and possibly of the justice system as well).
- Massachusetts has implemented an incremental payment plan whereby the juror receives nothing for the first three days of service, then \$40 a day thereafter. This plan is being tested in Cambridge.
- Of the possible incremental payment plans we could implement in Alaska, we prefer \$10 a day for the first two days, then \$45 a day thereafter. This is a more liberal plan than that of Massachusetts; yet we would still save \$31,000 a year if it were implemented.
- We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of an incremental payment plan such as the one mentioned above.
- In all locations but Juneau, we presently distribute warrants to State employees for jury service. They then return them to the Executive branch in Juneau. Besides the extra processing involved, this causes a \$36,000 inflation in our budget for jury costs. We recommend statewide adoption of the Juneau policy whereby State employees would not be paid for jury service unless there are special circumstances (e.g., leave taken for jury service).



## B. THE JUROR PROCESS

The process of juror selection is comprised of the following elements:

- Annual creation of the Master Juror File;
- periodic selection of prospective jurors; and
- qualification of prospective jurors.

We shall briefly describe how each of these elements is handled in Alaska.

### Annual Creation of the Master Juror File:

Before March 15 of each calendar year, the Voters Registration, Hunter and Trappers, and State Revenue lists (all residing on magnetic tape) are merged into a gross list of prospective jurors for Alaska Courts. Any one person may have had his or her name on two or all three lists. Indeed, it is possible that his or her name may occur more than once on the Voters list. Therefore, the gross list of prospective jurors must be matched, one name against another, to eliminate duplicate entries. The logic for eliminating duplicate names is described in Appendix A.

Using a computerized randomization technique (see Appendix B), the resulting list is assigned a random selection number for each entry (prospective juror) on the list and the list is sorted in random selection number sequence. Subsequently, then, if a court requests a thousand jurors, the next thousand on the list for that location can easily be selected. Prior randomization rather than randomization at time of selection offers the following advantages:

- data processing is more efficient since only a small portion of the list need be scanned. Randomization at time of selection requires addressing the entire range of the list each time a juror listing is required.
- In case of computer failure or emergency selection time frames not amenable to computer processing, a selection of the number of jurors needed can be done manually without violating statutory requirements of randomness.

The jury master file is now complete. It is then transferred to computer output microfilm (COM) tape and converted to microfiche. The microfiche venire lists are then sent to each judicial district as required by statute. Microfiche readers are available at these locations to allow the public or court personnel easy viewing of the venire list. A statewide master venire list (also on microfiche) is maintained by Technical Operations in Anchorage.

All of the computer processing is done on the IBM 370/135 computer located at the State Division of Data Processing facility on Tudor Road in Anchorage.

#### Periodic Selection of Prospective Jurors:

The frequency of juror selection varies statewide depending upon the volume of trials. In Anchorage and Fairbanks, volume is sufficient to require monthly selection. In Ketchikan and Juneau, selection covers a three month period. In some locations, one selection may be made for the entire year or when a trial occurs. The heterogeneous nature in Alaska, and thus of Alaska's courts, requires this type of flexibility.

Whatever the frequency may be, the process is essentially the same. The court sends a request for a jury to Technical Operations in Anchorage. The request is edited, then sent to the Division of Data Processing where it is keypunched and, along with the Jury Master file, input to the IBM 370/135 computer. The requisite number of jurors is then selected. Output from the computer includes:

- a list of selected jurors for court use;
- juror labels for court mailings, parking authorization, and other uses; and
- for the higher volume courts, ready to mail juror questionnaires for qualification purposes. For lower volume courts, questionnaires are stuffed into envelopes at the court location, a jury label is affixed to the envelope, and the envelope is mailed to the prospective juror. For the Anchorage Trial Courts only, a summons and information sheet is included with the questionnaire. This will be discussed in more detail below.

## Qualification of Prospective Jurors:

The qualification process involves the separate steps of questionnaire prequalifications, issue of summons to those jurors qualified, and calling the summoned jurors to the jury assembly room for service. In Anchorage, we will combine the first two steps into one and evaluate whether the yield of jurors from our questionnaires increases. Experiences from other courts throughout the country indicate that our yield should improve. The inclusion of the summons in with the ready-to-mail questionnaires will also save the time spent in stuffing the summons in envelopes. If the Anchorage experiment is successful, we will expand the one service concept to other courts.

But presently, and for all courts but Anchorage under the revised automated system, the completed qualification questionnaires are sent out to prospective jurors and are returned to the jury clerk of the court concerned. If an excusal is requested, the presiding judge decides whether or not to grant the excusal. The authority to grant excusals is delegated totally or in part in many locations to jury clerks. If there is no request for excusal or such a request is denied, the prospective juror is added to the qualified jury file.

In the higher volume locations, before adding the juror to the qualified juror file, xerox copies of questionnaire data are made and sent eventually to the plaintiff and defense counsels to assist them in their interrogation of prospective witness at voir dire.

If an excusal is granted, a letter or phonecall notifies the prospective juror of his release from or deferral of service. Summons are manually prepared, computer produced labels are affixed to the envelopes, and the addressed summons are mailed from the court.

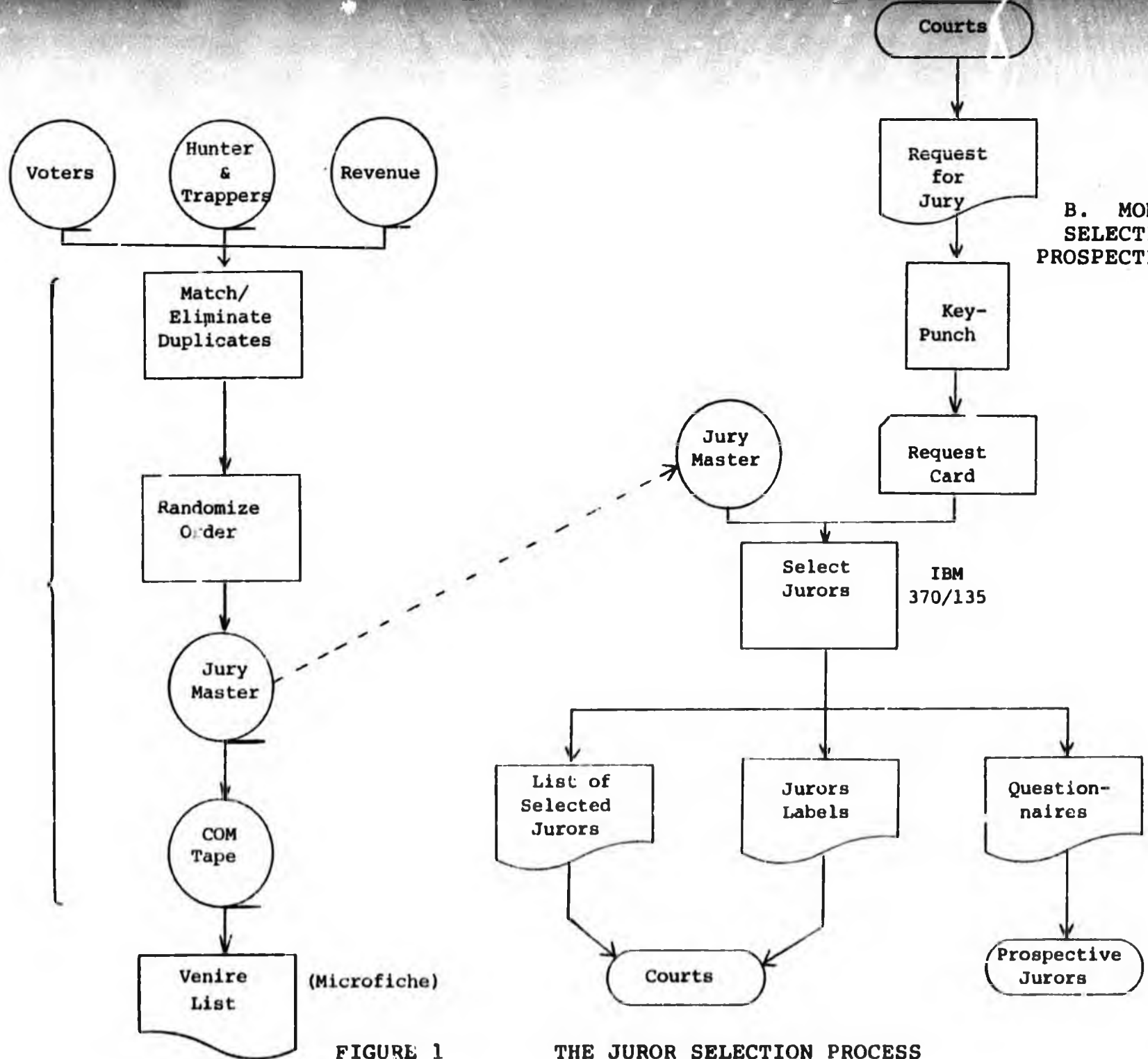
Under the revised automated system, if an excusal is granted, the identification of the juror and his excusal code will be entered via CRT terminal to the IBM 370/135. This computer will then print excusal verification notices which will be mailed to those prospective jurors granted excusals or deferrals. In Anchorage, the summons will be included in the original questionnaire sent to prospective jurors. However, about ten days before juror service begins, a reminder will be sent to all initially selected jurors not excused.

In other courts using the revised automated system, at a point in time one to two weeks before scheduled service, the IBM 370/135 will print summons for all jurors not excused (or where an excusal code has not been entered to the computer).

Finally, the juror is called for service whenever a trial is scheduled. In Anchorage and Fairbanks, a code-a-phone system allows the jury clerk to prerecord a message the day before indicating which jurors or panels of jurors will be required the next day. Jurors phone the given number to find out if they must appear the next day and only appear when instructed.

Figures one and two graphically illustrate the juror selection and qualification process in Alaska under our revised automated system.

IBM  
370/135



B. MONTHLY  
SELECTION OF  
PROSPECTIVE JURORS

FIGURE 1

THE JUROR SELECTION PROCESS

C. QUALIFICATION OF PROSPECTIVE JURORS

12

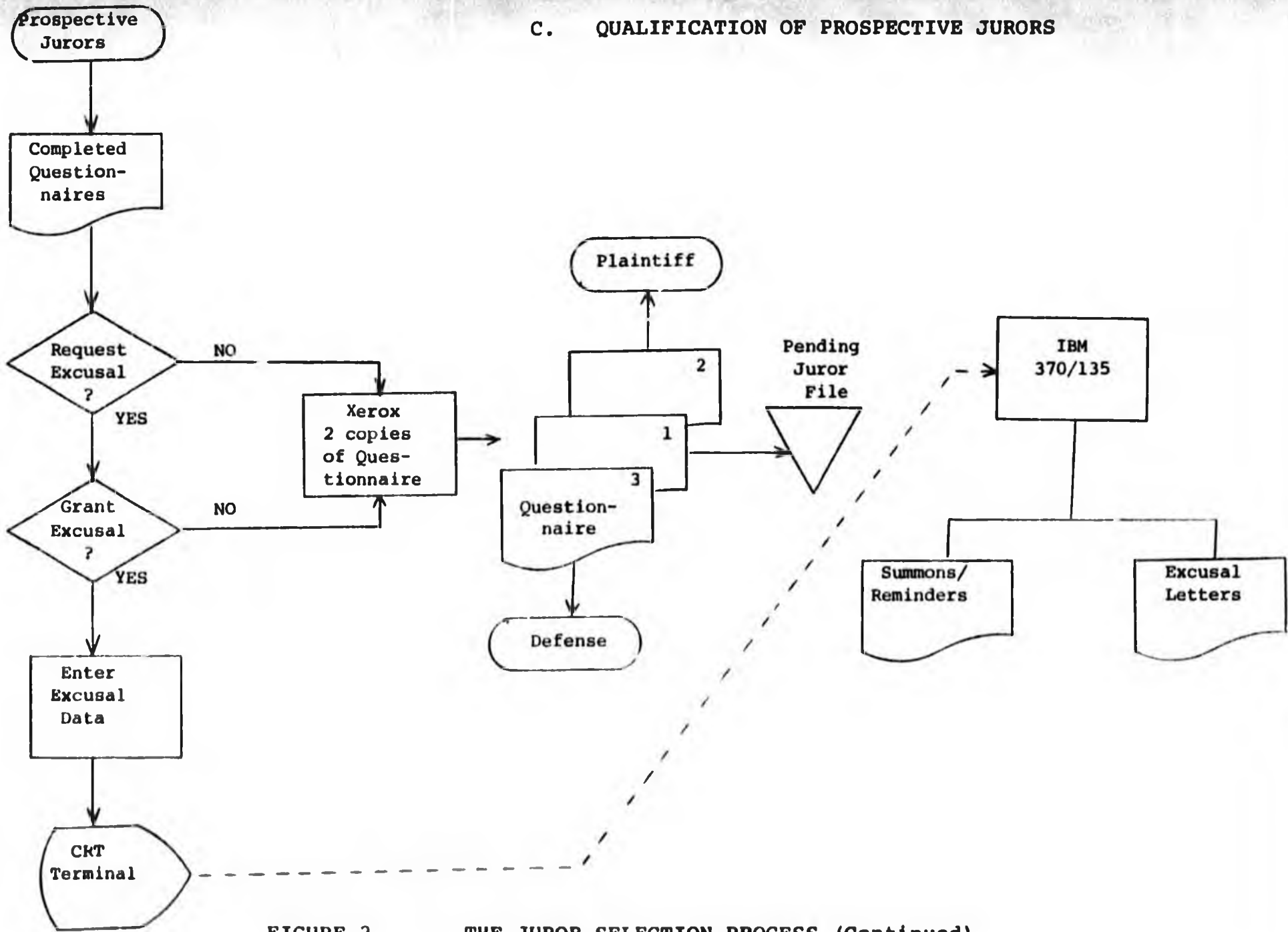


FIGURE 2 THE JUROR SELECTION PROCESS (Continued)

## C. JUROR SELECTION

Our evaluation of juror selection includes the following topics:

- Single versus Multiple Lists
- Composition of the Master Jury List
- Effectiveness of Eliminating Duplicates
- Addresses
- Demographic Composition of the Master Jury List
- List Coverage
- Randomness of Selection
- Summary

### Single Versus Multiple Lists:

Alaska is one of a select number of states to use multiple rather than single juror source lists. The advantages of using multiple lists are (1) the resulting combined list contains more names and thus provides better coverage, (2) the combined list may represent a better cross section of the population than any single list, and (3) use of the typical single list (voters registration) may be a disincentive for persons to be on that list - a person may choose not to vote because it would make he or her eligible for jury service.

The disadvantage of using multiple lists is that any one person may be on more than one list. Removing duplicates can be a tricky and time consuming process. If duplicates are not adequately removed, then the person concerned has a higher probability of being selected for jury service than persons with only one entry on the list. Let us keep these advantages and disadvantages in mind as we quantitatively explore the jury master list.

The three source lists combined contained almost 500,000 names in 1977 (Table C-1).

Table C-1  
Source List Size

List	1976	1977	% Increase
Voters	168,137	204,048	21.3
Fish & Game	116,860	133,334	14.1
Income Tax (Rev.)	121,026	160,793	32.9
<b>Total</b>	<b>406,023</b>	<b>498,175</b>	<b>22.7</b>

The income tax list was a third larger for 1977. Total size for all three lists increased 23 percent from 1976.

Table C-2 shows the number of names on each list that were unique (not also found on another list).

Table C-2  
Unique Names

List	1976	1977	% Change
Voters	100,712	85,075	-15.5
Fish & Game	53,921	43,788	- 2.1
Income Tax (Rev.)	43,214	48,549	+12.4
<b>Total</b>	<b>197,847</b>	<b>177,412</b>	<b>-10.3</b>

The total number of unique names decreased from 1976. That is to say, a large number of names found only on one list in 1976 found their way on at least a second list in 1977. Another way to look at this is that the 1977 list contained a greater ratio of duplicates than the 1976 list.

In evaluating the advisability of using multiple versus single source list, it is helpful to compute a nationally used statistic called List Effectiveness which is computed as follows:

$$\text{List Effectiveness} = \frac{\text{Number of Unique Names}}{\text{Total Source List Size}}$$

Table C-3 shows 1977 list effectiveness.

Table C-3  
Source List Effectiveness

List	List Size	# Unique Names	Effectiveness
Voters	204,048	85,075	41.7
Fish & Game	133,334	43,788	32.8
Income Tax	160,793	48,549	30.2
Total	498,175	177,412	35.6

Note that total effectiveness is 36 percent with the effectiveness of each single list quite close to total effectiveness. This shows that the three listings compliment each other. Had, for example, the effectiveness of the three lists be 90%, 10% and 20% respectively, this would have shown that the lists did not complement each other -- that additions of the last two lists was not efficient.

Therefore, the above data shows that the three source lists compliment each other quite well and that the use of the three lists rather than any one alone is justified.

Although not germane to our study, the data from Table C-3 can also be viewed as follows:

- 85,000 Alaskans who voted did not purchase a fish and game license nor file an income tax return.
- 44,000 Alaskans purchased a fish and game license but did not vote nor file an income tax return.
- 48,000 Alaskans filed an income tax return but did not vote nor purchase a fish and game license.

Composition of the Master Jury List:

Table C4 shows the rate of duplicates eliminated from the source lists to produce the venire list.

Table C-4  
Duplicates Eliminated

	<u>1976</u>	<u>1977</u>	<u>Percent Increase</u>
Original List Size	406,023	498,175	22.7
Duplicates Eliminated	116,113	181,248	56.1
Net List Size	289,910	316,927	9.3
% Duplicates	28.6	36.4	7.8

The number of duplicates eliminated increased 56 percent over 1976. The net list size increased nine percent. This demonstrates that an increase in the size of all three source lists may not be accompanied by an associated increase in the size of the jury master list. We may but be adding duplicates which then have to be removed.

The final composition of the jury master list by source is shown in Table C-5.

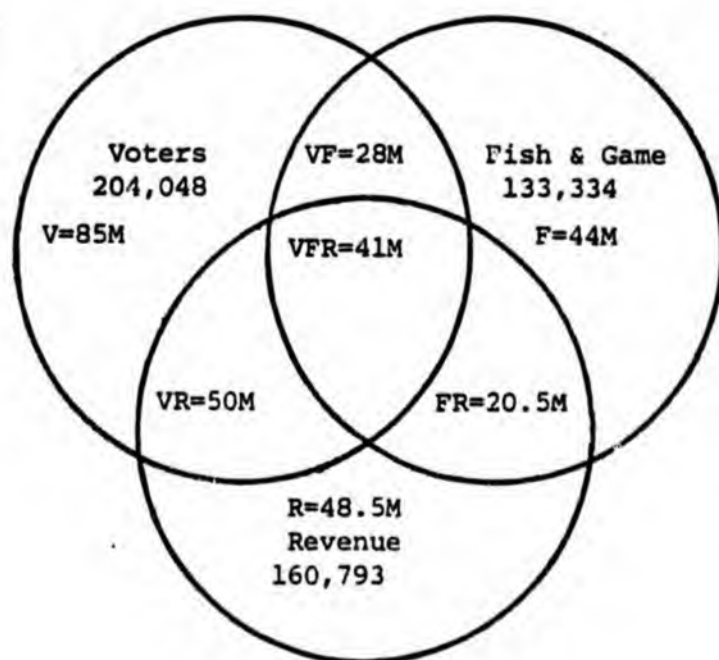
Table C-5  
Composition of Master Jury List

List	1976		1977	
	No.	% of Total	No.	% of Total
Voters (V)	100,712	34.7	85,075	26.8
Revenue (R)	42,214	14.9	48,549	15.3
Fish & Game (F)	53,921	18.6	43,788	13.8
V + F	14,251	4.9	28,271	8.9
V + R	29,124	10.1	49,969	15.8
F + R	24,638	8.5	20,542	6.5
V + F + R	24,050	8.3	40,733	12.9
Total	289,910	100.0	316,927	100.0

Unique names on the voters list provided the largest source of names. The fish and game list unique names provided less than 14 percent of the names on the jury master list.<sup>1</sup>

<sup>1</sup>/An interesting sidelight to the data in the table is that only 49,969 Alaskans both registered to vote and paid income tax in the 1977 list. This represents less than 25 percent of all registered voters.

Figure C-1  
Interrelationship of Source Lists



As stated above, the larger the number of duplicates to be eliminated, the more difficult is the task of building the master jury file. In addition, the greater are the chances duplicates will not be detected and persons will be entered more than once on the jury list. One must compare the coverage contribution of any one list with its associated disadvantage of introducing duplicates. Table C-6 shows this relationship.

Table C-6  
List Contributions versus Duplicates

File Eliminated	% Decrease in size of Master Wheel	% Decrease in number of Duplicates
Voters	26.8	24.7
Revenue	15.3	22.3
Fish & Game	13.8	15.4

If we eliminated the voters list from consideration, the resulting master jury list would be 27 percent smaller and we would decrease our duplicate problems by 25 percent. We would trade 27 percent coverage for 25 percent less duplicates. If we eliminate the fish and game file, we would eliminate only 15 percent of our duplicates.

The above data indicates that the contribution of each list is not overbalanced by the duplicate names they contribute.

### Effectiveness of Eliminating Duplicates:

As seen by the preceding tables, a large number of duplicate names are eliminated from source lists before the jury master list is produced. We must assess how effective this duplicate removing process is; in other words, how many duplicates still remain.

We selected 13 letters from the alphabet, extracted ten to twenty consecutive pages from the venire list for last names beginning with these letters, and manually reviewed these names for apparent duplicates. We found the following classes of apparent duplicates.

- A birth date on one record with two digits different.  
For example:

	Name	Birthdate	Address
Record A	Jones, J.	9/7/39	520 Tye
Record B	Jones, Judy	9/7/41	520 Tye

- Two digits of a social security number transposed.  
For Example:

	Name	SSN	Address
Record A	Marks, M.	552-48-2726	4455 Juneau
Record B	Marks, Mel	552-48-2762	4455 Juneau

On discussing these two types of duplicates with the Division of Data Processing, we discovered that program logic (See Appendix A) will detect these types of duplicates on comparing records from separate lists, but not in comparing records from the same list. The programs will be changed to catch these types of duplicates for the 1978 jury master list.

- Matching fields missing. For example:

	Name	Birth Date	Address	SSN
Record	James J	12/30/36	4852 Newcastle	
Record B	James Joe		4852 Newcastle	563-49-3827

It must be stressed that this type of occurrence is only a suspected duplicate. There may indeed be a father and son or another relative combination with the same first initial living at that address.

- Others to include different first name (e.g., Jim versus James), and addresses from different cities.

Table C-7 summarizes the duplicates found.

Table C-7  
List Duplicates

Letter	Number of Names	Duplicates				Total	Percent Duplicates
		Birth Date	SSN	Match Missing	Other		
A	190	1	1	4	2	8	4.2
C	190	1	2	3	0	6	3.2
D	380	1	1	5	2	9	2.4
F	190	0	1	4	0	5	2.6
H	190	0	3	3	0	6	3.2
J	380	0	5	10	0	15	4.0
L	228	2	0	4	1	7	3.1
N	190	1	0	5	0	6	3.2
P	190	0	3	3	1	7	3.7
R	380	2	0	7	0	9	2.4
S	190	2	0	4	1	7	3.7
T	190	0	4	4	1	9	4.7
W	190	2	1	4	0	7	3.7
<b>Total</b>	<b>3078*</b>	<b>12</b>	<b>21</b>	<b>60</b>	<b>8</b>	<b>101</b>	<b>3.3*</b>

\*Approximately one percent of the jury master list.

The largest category of duplicates was for matching fields not being on the record. It must again be stressed that these are only possible duplicates - they may be unique entries. Thus the duplication rate can be better described as being between 1.3 to 3.3 percent.

Virtually all of the match-missing duplicates are created by the lack of a social security number on one of the files. The duplicate rate is certainly acceptable and programming changes will probably decrease this rate to two percent.

Addresses: Addresses for names on the three source lists have not always been current. This has resulted in a great many questionnaires being returned from the post office or being delayed in the mail. This year we utilized the more current addresses in the Driver's License and Traffic Citation systems. Table C8 shows the result of this new address source.

Table C-8  
Address Changes

List	Number on List	Number with Address Change*	Percent Address Change
Voters (V)	85,075	17,474	20.5
Revenue (R)	48,549	7,527	15.5
Fish & Game (F)	43,788	5,747	13.1
V + F	28,271	4,829	17.1
V + R	49,969	9,833	19.7
F + R	20,542	3,162	15.4
V + F + R	40,733	5,824	14.3
Total	316,927	54,296	17.2

\*From Traffic and Drivers' License System.

Thus, 17 percent of the resulting addresses on the jury master file were updated to a more current address. This should decrease the number of questionnaires returned by the post office.

Demographic Composition of the Master Jury Lists:

One of the primary objectives of the jury master list is that, as much as is feasible, it should be demographically representative of the population. By demographically representative, we mean that the list distributions by race, age and sex should match as close as possible the actual population distributions. We will attempt to assess if that is so. In performing this assessment, we are faced with the following problems.

- None of the three source lists contain race data; Therefore, we cannot quantitatively assess race distributions.

- The Revenue list does not provide a sex code or birth date; therefore, we can only look at age and sex distributions for the portion of the jury master list fed by the Voters and Fish and Game files. This represents 85 percent of the total list.
- The only data with which we can compare the list distributions is that of the 1970 census. We suspect that major population changes may have occurred in this state during the past seven years; thus 1970 data can be considered suspect.

Although the above seem to be major problems, we shall see that the following data can still lead us to some important conclusions. Before we do this, however, let us discuss race coverage on the jury master list, even though no race data is available.

There has appeared no statistical evidence to support the conclusion that list coverage is unequal among races - that there is one or more race groups that have a significantly lower proportion of their population represented on the jury master list. But some have suggested that a larger proportion of Native Alaskans may not vote, may not have an income large enough to file State income tax, and do not need to purchase a fish and game license.

If this hypothesis is true, there would still seem to be no legal problem. Review of literature and court ruling should leave one to see that, by using these three lists, we have not systematically excluded any ethnic group. Members of all ethnic group always have the opportunity to vote. However, our objectives are operational as well as legal. We desire that our venire list represent maximum coverage of the population and be as demographically representative as possible.

Members of a low income Native Alaskan family could logically be assumed to disproportionately not file State income tax forms and therefore not be included on the Revenue file. Such families in the Yukon and selective other rural areas would not have to purchase subsistence fishing licenses and would therefore not be included on the fish and game file. The only remaining avenue for their inclusion on the master jury file would be via the voters registration list.

Table C-9 shows the number of voters registered as compared to 1975 population estimates for 27 of the 29 census districts throughout the State. Two of the census districts were omitted because of difficulties in converting election districts to census districts. Those locations marked with an

asterisk had a 1970 population with less than 50 percent caucasians. If we compare these census districts with the other caucasian preponderant census districts, we arrive at Table C-10.

Table C-9  
Census to Voters

	1975 Estimated Population (1)	1974 Registered Voters (2)	Percent Registered Voters
Aleutian Islands	7,086	2,482	35.0
Anchorage	177,817	88,036	49.5
Angoon	481	334	69.4
*Bethel	8,576	3,613	42.1
*Bristol Bay Borough	1,914	524	27.4
*Bristol Bay Division	3,847	2,545	66.2
Corova-McCarthy	2,003	1,073	53.5
Fairbanks	55,517	34,155	61.5
Haines	2,069	887	42.9
Juneau	17,714	13,007	73.4
Kenai Peninsula Borough	15,621	9,993	64.0
Ketchikan	11,311	7,894	69.8
*Kobuk	4,548	2,258	49.7
Kodiak	8,801	4,798	54.5
*Kuskokwim	2,721	1,067	39.2
Matanuska-Susitna	12,462	7,169	57.5
*Nome	6,660	3,740	56.2
*Outer Ketchikan	1,764	797	45.2
Prince of Wales	2,502	1,055	42.3
Seward	3,149	1,493	47.4
Sitka	6,595	2,815	42.7
Skagway-Yakutat	2,732	1,331	48.7
Southeast Fairbanks	5,894	2,209	37.5
Valdez-Chitina-Whittier	9,639	5,689	59.0
*Wade Hampton	4,284	2,969	69.3
Wrangell-Petersburg	5,270	3,064	58.1
Yukon-Koyukok	8,423	3,783	44.9
<b>Total</b>	<b>389,400</b>	<b>208,780</b>	<b>53.6</b>

Table C-10  
 Census to Voters  
 by Percent Caucasian Category

Census Division with Caucasian Population	1975 Estimated Population	1974 Registered Voters	Percent Registered Voters
Less than 50%	32,400	16,989	52.4
50% or more	357,000	191,791	53.7
<b>Total</b>	<b>389,400</b>	<b>208,780</b>	<b>53.6</b>

It is apparent from this table that the data does not reflect significant differences in voting patterns between the caucasian dominated and non-caucasian dominated census divisions. The difference shown is not statistically significant. Therefore, the evidence does not support the conclusion that Native Alaskans as well as other non-caucasians are not sufficiently represented on the master jury list through the voter's registration source list.

Tables C-11 and C-12 show age distributions statistics for males and females.

Table C-11  
 Female Age Distribution Statics

Location	Average Age		Median Age	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	34.2	36.6	34.1	34.3
Fairbanks	36.7	35.1	33.2	32.3
Juneau	39.0	40.8	35.3	39.1
Rest of State	39.3	39.5	35.6	37.1
<b>Total</b>	<b>37.8</b>	<b>37.6</b>	<b>34.4</b>	<b>35.0</b>

**Table C-12**  
**Male Age Distribution Statistics**

Location	Average Age		Median Age	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	37.2	35.8	34.3	33.8
Fairbanks	36.8	32.8	33.6	25.4
Juneau	38.8	41.5	35.4	39.0
Rest of State	37.9	36.6	34.7	33.8
All But Fairbanks	38.1	37.4	34.9	34.6

Appendix C Contains detailed age distribution from which the above statistics were computed. For females on the jury master list, the average and median ages for the 1977 Jury Master list are quite close to those of the 1970 census in all categories. The one possible exception would be median ages for Juneau. But there is no consistent pattern of deviation; thus there appears to be no systematic deficiency of the list for females.

For the males, the average and median ages the 1977 list in Fairbanks is significantly higher than for the 1970 census; the opposite is true for Juneau. But again, there is no consistent trend. However, a closer look at the data in Appendix C does indicate a consistent tendency as shown in Tables C-13 and C-14.

**Table C-13**  
**Percentage of Females**  
**in Selected Age Categories**

Location	19 to 24		25 to 34	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	17.5	20.9	35.6	31.2
Fairbanks	19.1	27.0	37.1	31.6
Juneau	16.0	14.3	33.5	26.7
Rest of State	16.2	17.2	31.5	28.4
Total	17.4	20.1	34.5	30.0

Table C-14  
Percentage of Males  
in Selected Age Categories

Location	19 to 24		25 to 34	
	1977 List	1970 Census	1977 List	1970 Census
Anchorage	17.9	23.5	34.7	28.1
Fairbanks	18.0	39.2	37.3	25.8
Juneau	16.0	12.0	33.2	26.5
Rest of State	15.6	24.3	31.5	26.7
Total	17.1	26.1	34.0	27.1

With the exception of Juneau, all locations had a lesser percentage of 19 to 24 year olds on the 1977 list than on the 1970 census. For all locations, there was a higher percentage of 25 to 34 year olds on the 1977 Jury Master list. A closer look at the Juneau data reveals that the higher percentage of 25 to 34 year olds is accompanied by a reduction of those 55 and over, rather than those 19 to 24 as shown for other locations. This isolated Juneau phenomenon suggest a population departure from the 1970 census rather than demographic problems with the Jury Master list.

So it seems evident that the 1977 Jury Master list is under-represented in the 19 to 24 age category and overrepresented in the 25 to 34 age category. This is not surprising since this is a common problem for jury lists throughout the country. Indeed, this underrepresentation of young people is the primary stimulus to using multiple lists. In our case, since we already use multiple lists, our only solution to this problem is to seek yet another list which will have a younger age distribution than our three current source lists. We will conduct a separate analysis to evaluate the feasibility of using the Drivers License list as an additional source list.

Finally, Table C-15 compares the percentage of males on the 1977 jury master listing as compared to the 1970 census.

Table C-15  
Percent Males

Location	1977 List	1970 Census
Anchorage	56.4	53.2
Fairbanks	61.5	60.5
Juneau	54.2	50.1
Rest of State	59.4	58.6
Total	58.2	56.9

Unless the population since 1970 has become more male dominated in all locations of the State (and this seems intuitively unlikely), then there appears to be a slight male bias to the 1977 Jury Master list. This bias is probably introduced by the preponderance of males on the Fish and Game source list. The Drivers list would not appear to correct this bias and elimination of the Fish and Game list would eliminate the source list with the youngest age distribution, thus aggravating our age problem. Therefore, the male bias is small and uncorrectable. As we shall see in the next section, this bias is countered by the excusal process.

List Coverage:

One of the objectives of a master jury list is to include as many eligible citizens as possible so as to give the maximum number of persons the opportunity to serve as a juror. Broad coverage also decreases the chance of any one person serving so often as to impose an unfair hardship. A standard objective is that the list cover at least 90 percent of the eligible population. A problem with this criteria is that, between census years, it is difficult to estimate population totals.

Table C-16 shows estimated list coverage. Estimated eligible population was computed by multiplying the 1975 estimated population by the percent of the 1970 population 19 years or older.

Table C-16  
List Coverage

Location	1975 Estimated Population	% 1970 Population Over 17	Estimated Eligible Population	List Size	Percent Coverage
Anchorage	177,817	60.3	106,692	137,455	128.8
Fairbanks	55,517	64.7	35,919	52,918	147.3
Juneau	17,714	60.9	10,787	16,281	150.9
Rest of State	153,586	58.2	89,387	107,563	120.3
<b>Total</b>	<b>404,634</b>	<b>60.0</b>	<b>242,785</b>	<b>314,287</b>	<b>129.5</b>

Even should we deduct the three percent duplications in the list and adjust for population increase from 1975 to 1977, the coverage would still be over 100 percent. This suggests two things.

- There is no evidence that list coverage does not exceed the 90 percent goal.
- The 1975 population estimates are understated, particularly for Fairbanks and Juneau.

As an aside to the purposes of this study, it would seem logical for population estimators to use our venire list as a primary source for their estimates. By deducting an allowance for duplicates, adjusting for the suggested biases towards males and against the 19 to 34 year age group, workable estimates could be derived.

Randomness of Selection:

Our final task is to determine if random selection of names from our jury master list does provide for equal probability of service for each person whose name is on the list.

Table C-17 shows the total number of jurors expected to be used in Alaska juries during 1977 (assuming a 10 percent increase in jury trials from 1976).

Table C-17  
Expected 1977 Jurors  
in Jury Box

Type Court	Type Case	Estimated Number of Jury Trial	Number of Jurors Per Trial	Total Jurors Required
Superior	Felony	130	13*	1,690
	Civil	53	12	636
District	Misdemeanor	492	6	2,952
	Civil	17	6	102
Total	N/A	692	7.8**	5,380

\* 12 jurors plus one alternate  
\*\* Weighted average.

Since we have 314,287 names on our source list, then we will use 1.7 percent of our Jury Master list in the jury box in 1977. Stated in another way, any person on the Jury master list can be expected to serve on a jury once every 58 years. For Anchorage and Fairbanks specifically, persons in those areas could expect to sit in a jury box once every 54 and 39 years respectively as shown in Table C-18.

Table C-18  
Anchorage and Fairbanks  
Probabilities of Sitting on a Jury

Location	1977 Jury List Size	1977 Jurors Required*	Probability of Selection (3) - (2)	Expected Duration Between Selections (2) - (3)
Anchorage	137,455	2,560	0.019	53.7
Fairbanks	52,918	1,354	0.026	39.1

\*1976 trials plus 10 percent increase.

Using data from the juror exit questionnaires, we computed the average ages of the jurors responding to be 39.4 and 38.1 for Anchorage and Fairbanks respectively. It is interesting to note that Table C-12 shows the average ages of the jury master lists to be 37.2 for Anchorage and 36.8 for Fairbanks. Those jurors remaining after the excusal process have an average age greater than those on the master list. We will discuss this phenomenon in detail in the next section.

Jury selection can be described as a binomial probability distribution in which, for Anchorage and Fairbanks, (1) the probabilities of sitting on a trial for any one year is 0.019 and 0.026 respectively; and (2) the number of years subject to selection is the average age of the jurors (39.4 and 38.1) minus the minimum age of selection (19) or 20 and 19 years respectively.

Using these parameters in a binomial distribution, we arrive at the probabilities of sitting on a trial in Anchorage and Fairbanks (Table C-19).

Table C-19  
Probabilities of Sitting on  
A Jury Between 19 and 39 Years of Age

Number Times Sat on Trial in 20 and 19 Years	Anchorage	Fairbanks
None	0.6676	0.6088
One	0.2725	0.3033
Two	0.0528	0.0744
Three or More	0.0071	0.0.35
<b>Total</b>	<b>1.0000</b>	<b>1.0000</b>

In Anchorage for example, over a 20 year period of eligibility for jury service, 67 percent of prospective jurors would not have sat on a jury, 27 percent would have served on one jury, five percent on two, and less than one percent on more than two.

If we assume that each juror selected for service and surviving the qualification process eventually sits on at least one trial during his or her period of service, then the jury exit questionnaires represent a sample of those who have sat on at least one trial. None of the jurors responding would then fall in the category of never having sat on a trial in 20 and 19 years respectively. Eliminating then the first row of Table C-19, we arrive at the probabilities of prior jury service for those having sat for at least one trial (Table C-20).

Table C-20  
 Probabilities of Prior Service  
 For Jurors Having Sat on a Jury

Prior Service	Anchorage	Fairbanks
None	0.8198	0.7753
Once Before	0.1588	0.1902
More than Once Before	0.0214	0.0345
Total	1.0000	1.0000

Therefore, for jurors responding to exit questionnaires in Anchorage and Fairbanks, we would expect 16 and 19 percent respectively to have served on jury duty once before; and two and three percent respectively to have served more than once before. Table C-21 compares these expectations to the data extracted from the exit questionnaires.

Table C-21  
 Expected Versus Actual  
 Prior Jury Service  
 (% of all Jurors Serving)

Prior Service	Anchorage		Fairbanks	
	Expected	Actual	Expected	Actual
Once Before	15.9	13.2	19.0	16.7
More than Once Before	2.1	8.9	3.5	11.1
Total	18.0	22.1	22.5	27.8

Thus we see that a significantly greater percentage of jurors in both Anchorage and Fairbanks had served more than once before. Does this mean that the time randomness of selection from the master jury list is suspect?

No, I suggest it does not. First of all, in inspecting the data more closely, we found for both Anchorage and Fairbanks, that those who had served more than once before were significantly older than their counterparts.

This correlates with the higher average age of those responding to the exit questionnaires as compared with the total jury master list (see above). It appears, then, that from selection to actual serving on a jury, there occurs a change in the demography of the population. In other words, the qualifications process seems to disproportionately weed out those who are younger and have never before sat on a jury.

This is not surprising. Those who survive the qualifications screening process more than once would seem to have a higher probability of surviving it once again. They would seem not to have requested excusals for hardship, professional reasons, etc. They would not have been disqualified for not being a citizen or resident. So, the higher percentage of jurors serving more than once before seems the result of qualifications screening; rather than problems with the jury master list.

But there is a method by which we can decrease prior service percentages to bring them into line with what we would expect with a purely random situation. This is to extend the period of time between consecutive jury service. Currently a person is not eligible for jury service in any one year if he or she served the preceding year. If we changed this to, for example, not being selected if the person has served during the last five years, this would (1) decrease the proportion of jurors who have had prior service; and, (2) increase the numbers of individuals who have the opportunity to sit on a jury. As will be seen later, a person's satisfaction with the judicial process increases dramatically once he or she sits on a trial. It follows then that the more people we can offer the opportunity to sit on a trial, the more people there are who are satisfied with our system. On the other side of the picture, decreasing the prior service rate will serve to decrease the inconveniences of multiple service.

This option would have no effect upon the criteria of random selection. There are two types of statistical randomness. The first is random selection with replacement, where those selected are placed back on the list and have an equal opportunity to be selected the next time. The second type is random selection without replacement where, once selected, the person is not placed back on the list and thus is never selected again. We currently place those selected back on the list but, if they are randomly selected the next year, they are rejected. Whether the reject period is one year, five years, or whatever, our random selection method is a proper hybrid of the two types discussed above.

We recommended, therefore, that once a person has completed jury service, he or she not be eligible for selection again for five years.

Summary:

- The three source lists used to form our jury master list compliment each other quite well and the contribution of each list is not overbalanced by the duplicate names they contribute. Therefore, all three lists should be retained.
- The three percent level of possible duplicate names on the jury master list is quite acceptable and should be reduced even further on the 1978 list.
- The use of more current addresses on the 1977 list should decrease the number of questionnaires returned by the post office.
- Evidence does not support the conclusion that Native Alaskans as well as other non-caucasians are not sufficiently represented on the master jury list through the voter's registration source list.
- The 1977 jury master list is underrepresented in the 19 to 24 year age category and overrepresented in the 25 to 34 year age category. We will conduct a separate analysis to determine if use of the Driver's License file as another source list will alleviate this problem.
- There appears to be a slight male bias on the 1977 jury master list. That bias is acceptable and uncorrectable.
- There is no evidence that list coverage is not at least the desired 90 percent of the population.
- A significantly greater than expected or desired rate of Anchorage and Fairbanks jurors had served more than once before. The qualifications process seems to disproportionately weed out those who are younger and have never served before. To correct the prior service problem, we recommend that once a person has completed jury service, he or she not be eligible for further jury service for a period of five years. This will increase the numbers of people serving totally, and decrease the numbers with multiple service.

## D. JURY QUALIFICATION

### Qualifications:

When a jury pool is requested from Technical Operations, the necessary input is prepared for the IBM 370/135 to select the requested number of jurors from the pre-randomized jury master list. At the larger courts, self-mailing questionnaires are produced and mailed from Anchorage. The questionnaires, if received by the prospective jurors, are completed and returned to the respective jury clerk. Any requests for excusals from or deferral of jury service is made at that time. If granted by the presiding judge (or the jury clerk, if so delegated), then the prospective juror is notified of his excusal or deferred service date.

There are five categories for exclusion of a juror from service at the qualification point:

- Undeliverable, when either the juror cannot be located (questionnaire returned by post office) or the prospective juror is out of the state at the time of mailing.
- Disqualified, where the prospective juror is not qualified for jury duty due to being underage, a non-resident, a non-citizen or other reasons.
- Exempt, where the jury statute allows a person to exempt himself from jury duty if he is in certain professional classes such as doctor, lawyer, or teacher.
- Excused, where the prospective juror finds jury duty burdensome for rather permanent reasons such as advanced age or child care, and is excused from jury service for that reason.
- Deferred, where there is but a temporary burden of service on the prospective juror which can be alleviated if the service date is shifted. A prime example is that of fishermen with a short fishing season who desires to serve during the off-season.

Let us discuss each of these exclusions in turn. In order to do so, we have analyzed four months of 1977 exclusion data from Anchorage and Fairbanks. There was no such data available from other courts.

Undeliverable: Tables D-1 and D-2 show data for this category.

Table D-1  
Anchorage Jury Undeliverable

<u>Undeliverable Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Returned by Post Office	1423	355.75	81.9
Out of State	<u>314</u>	<u>78.50</u>	<u>18.1</u>
Total	1737	434.25	100.0

% of questionnaires sent 39.5

Table D-2  
Fairbanks Jury Undeliverable

<u>Undeliverable Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Returned by Post Office	1764	441.00	85.8
Out of State	<u>293</u>	<u>73.25</u>	<u>14.2</u>
Total	2067	514.25	100.0

% of questionnaires sent 51.7

Forty percent of Anchorage and 52 percent of Fairbanks questionnaires were undeliverable. Across the rest of the country, the undeliverable rate is rarely more than 30 percent. We took March questionnaires returned by the post office for Anchorage and compared the names against the city phone directory. The results for the 301 questionnaires reviewed were:

- 20 could not be compared because the address was not applicable to the city directory (e.g., Fort Richardson) or the name was incomplete (e.g., P. Smith).
- 47 were in the directory under an address different than that on the questionnaire. These are persons who have moved within the city of Anchorage.

- 75 were women's names whose full name was not in the directory, but whose last name was listed at least once under a man's name. These are possible married women whose phone is listed under a husband's name.
- One man's name was listed under the same address as that shown on the questionnaire.
- 158 names could not be found in the directory. These are persons who have moved outside Anchorage rather than within Anchorage.

Table D-3 summarizes the undeliverable questionnaires according to where the person had appeared to move.

Table D-3  
Undeliverable Questionnaires  
by Move Category

<u>Type of Move</u>	<u>Number</u>	<u>% of Total</u>
Within Area	47	22.8
Outside Area	<u>159*</u>	<u>77.2</u>
Total	206	100.0

\*including the one man whose name was listed under the same address.

Thus, some 23 percent of the returned questionnaires which could be identified to a residence move represented a movement within the city. The undeliverables for this category were caused by non-current addresses rather than transience of the population. If we assume that this 23 percent would also be applicable to the remainder of the questionnaires (e.g., names of potential wives whose phone was under the husband's name) and to Fairbanks, and that we could somehow reach this group, the undeliverable rates in Anchorage and Fairbanks would drop to 32 percent and 41 percent respectively. These lower figures represent the transient nature of our population.

One method of reaching those who move within the jury area is to send all returned questionnaires a second time registered mail with a name search fee. The costs of this alternative are shown in Table D-4.

Table D-4  
Costs of Sending Returned Questionnaires  
Certified Mail

<u>Cost Type</u>	<u>Cost Per Questionnaire</u>	<u>Annual Amount</u>		<u>Total</u>
		<u>Anchorage</u>	<u>Fairbanks</u>	
Certified Mail	1.50	6,403.50	7,938.00	14,341.50
Name Search	1.00	4,269.00	5,292.00	9,561.00
Postage	.13	554.97	687.96	1,242.93
Less Questionnaire	<u>- .40</u>	<u>-1,707.60</u>	<u>-2,116.80</u>	<u>-3,821.03</u>
Total	2.23	9,519.87	11,801.16	21,321.03

The deduction of 40 cents for each questionnaire returned is the actual cost of the ready-to-mail questionnaires we use. The deduction results from the fact that, could we reach those persons who have moved within the jury area, we would need to send out fewer total questionnaires per month.

Using certified mail with a name search fee would cost us over \$21,000 annual identifiable costs in Anchorage and Fairbanks. Further costs which are not identifiable include stuffing and addressing envelopes, carrying them to the post office, and having the certification process performed there. The gain would be a decrease in the undeliverable rate from 40 percent to 32 percent in Anchorage and from 52 percent to 41 percent in Fairbanks.

While these decreases would be desirable, we do not believe they are worth \$21,000 a year plus additional workload on the jury clerks. Therefore, we do not recommend use of certified mail for those questionnaires returned by the post office.

A second alternative would be to use the city directory as we did. This would decrease the undeliverable rate from 40 to 35 percent for Anchorage and from 52 to 45 percent for Fairbanks. This would also save some \$600 a year in questionnaire costs. It would take approximately eight hours processing per month for each jury clerk in Anchorage and Fairbanks. This seems reasonable. Therefore, we recommend that all questionnaires returned by the post office be compared to the city directory. When an exact name match is found, the questionnaire should be sent again to the new address.

The Out-of-State category reflects those who do not state when they will return. They are eligible for subsequent selection at a later time.

Exemptions:

The exemption rate was only 1.3 percent for Anchorage and 1.1 percent for Fairbanks. If exemptions were eliminated, we would save only \$121 a year in questionnaires costs and would only negligibly increase our total questionnaire yield rate. However, from a philosophical point of view, it is questionable whether such exemptions should be continued. In states such as California, Texas, Massachusetts and Maryland they have been eliminated. The justifications for elimination has been philosophical rather than cost related.

Therefore, we believe it worthwhile to review each of our exemptions for possible deletion according to national trends. Let us look at each of them in this manner.

- A "judicial officer": In many states, federal judicial officers are not exempt for service on state juries. They can be excused or deferred if such a request is approved, but they do not automatically qualify for an exemption. State judicial officers are not exempted from federal jury service. It does appear to make sense that state judicial officers be exempted from state jury service because of the problems of a judge sitting on a jury in a fellow judge's court. Therefore, it would appear that the judicial exemption in AS 09.20.030 should be changed from "judicial officer" to "State judicial officer".
- "Any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror." In Massachusetts, as an example, the Governor of the state is not exempt from jury service. Indeed, he wrote a letter to the legislature stating his willingness and desire to serve. He and other civil officers of the state can request excusal or deferral of service, but they are not automatically excluded from service. Given the rather liberal excusal and deferred service policies discussed below, and the fact that a civil officer's busy schedule does not appear to be more justifiable than that of, let's say, a ferry pilot, this exemption does not appear justifiable. Therefore, it appears that the "civil officer" exclusion should be deleted.

It must be stressed that the recommendations for deletion of this and other exclusions is closely tied to a relatively liberal excusal policy, a very liberal deferral of service policy, and a shorter term of service, all of which are recommended later in this section.

- "A minister of the gospel or priest of any denomination; a teacher in a university, college, academy, or school; a practicing physician; a practicing dentist. These exclusion make even less sense than do the three discussed above. Why should these classes be exempted when those of optometrists, CPA's, engineers, or sole proprietor businessmen are not. Again, given an opportunity for excusal or deferral of service, there seems to us no justification for an automatic exemption for these select "professional" classes. Therefore, it appears that the professional exemptions listed in AS 09.20.030(4) through (7) should be deleted.

The only exclusion remaining would then be for a state judicial officer. Since such officers would still have the opportunity to be excused or to have service deferred, and since this sole exemption might be viewed as self-serving, we recommend its deletion also. Therefore, we recommend that all exemptions from jury service as listed in AS 09.20.30 be eliminated. This would bring us into line with national trends in this direction, would eliminate juror dissatisfaction with such preferable treatment (as evidenced in exit questionnaires), and would seem logical and consistent. All classes whose exemption were eliminated would still have the opportunity for excusal and deferral of service. And, since an average juror serves no more than seven or eight days during his or her period of service, these classes would be subject to no more hardships than experienced by other professional and non-professional classes.

#### Disqualifications:

Tables D-5 and D-6 show data for this category.

Table D-5  
Anchorage Jury Disqualifications

<u>Disqualification Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Lost Civil Rights	12	3.00	2.8
Deceased	16	4.00	3.8
Non-Citizen	22	5.50	5.2
Previous Service	97	24.25	22.7
Outside 30 Mile Radius	113	28.25	26.5
Under Age	64	16.00	15.0
Non-Resident	99	24.75	23.0
Serving at U.S. District Court	2	0.50	9.5
Duplicate Questionnaires	<u>2</u>	<u>0.50</u>	<u>0.5</u>
Total	427	106.75	100.0

% of questionnaires mailed 9.7

Table D-6  
Fairbanks Jury Disqualifications

<u>Disqualification Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Lost Civil Rights	11	2.75	2.1
Deceased	21	5.25	4.0
Non-Citizen	20	5.00	3.8
Previous Service	218	54.50	41.6
Outside 50 Mile Radius	222	55.50	42.4
Under Age	27	6.75	5.1
Non-Resident	<u>5</u>	<u>1.25</u>	<u>0.1</u>
Total	524	131.00	100.0

% of questionnaires mailed 13.1

The largest categories of disqualification were for previous service and for outside the jury area (30 miles in Anchorage and 50 miles in Fairbanks). Our recently revised automated juror system should eventually eliminate all those disqualified for prior service. They will never be sent a questionnaire. As for the outside radius category, our more current address sources should reduce this category.

Note that the non-resident category accounted for less than one percent of Fairbanks disqualifications and 23 percent of Anchorage disqualifications. We found that this disparity represents a difference in philosophy between the courts. Anchorage disqualifies prospective jurors who are military or military spouses unless they are Alaska residents or own property in the State; Fairbanks does not. There should be some standard statewide policy on this matter. We recommend that the Supreme Court adopt the Fairbanks policy, since persons in military service are likely defendants in criminal and civil matters brought before the Alaska courts.

The under age category is somewhat inflated due to computer program logic that did not exclude 16 and 17 year olds from the Fish and Game list from the jury master list. This will be corrected for the 1978 venire list.

Excusals:

Tables D-7 and D-8 show data for this category.

Table D-7  
Anchorage Jury Excusals

<u>Excusal Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Child Care	105	26.50	15.6
Hardship	403	100.75	60.0
Medical	137	34.25	20.4
No Transportation	15	3.75	0.6
English Problem	7	1.75	0.*2
Religious Reasons	5	1.25	0.*2
Total	672	168.00	100.00

% of questionnaires sent 15.3

Table D-8  
Fairbanks Jury Excusals

<u>Excusal Type</u>	<u>4 Month Total</u>	<u>Monthly Average</u>	<u>% of Total</u>
Advanced Age	11	2.75	3.1
Civil Officer	8	2.00	2.3
Child Care	11	2.75	3.1
Conscientious Objector	1	0.25	*.3
Leaving Area	65	16.25	18.6
Hardship	85	21.25	24.3
Hearing Loss	15	3.75	4.3
Medical	135	33.75	38.6
No Transportation	<u>19</u>	<u>4.75</u>	<u>5.4</u>
Total	350	87.5	100.0

% of questionnaires sent 8.8

The Anchorage excusal rate was almost twice that of Fairbanks. The main categories that differentiated Anchorage from Fairbanks were child care and hardship; more than three-quarters of Anchorage's excusals. We believe these excusals to be tied directly to our length of juror service. At 30 days, it is one of the highest in the country.

Many regions throughout our country are establishing or experimenting with lessor periods of service. There are two advantages to be gained by such decreased service. First, there is less hardship on the individual juror and thus the excusal rate for hardship, child care, and other reasons decrease. Secondly, more jurors have an opportunity for juror service. As will be shown later, this circumstance is to be desired.

The ideal for shortening service is the one-day one-trial system now an innovation in jury management throughout the country. In this system, the juror serves one day or one trial, whichever is longer. The logistics of this system are considerable, and considering our high and largely uncorrectable undeliverable rate, we fear implementation of that technique in Anchorage and Fairbanks as well as other locations would render chaos.

However, the high rate of child care and hardship excusals in Anchorage does seem to indicate a need to decrease service. While a juror there actually only serves seven or eight days out of the 30 possible, expectations of 30 day service undoubtedly lead to more requests for excusals of this type.

Therefore, we recommend an experiment wherein the term of service in Anchorage is decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes. If this test proves successful then we can expand it to (a) a lessor period of service in Anchorage, and/or (b) the same two week period of service in Fairbanks and perhaps other court locations. Based upon our previous recommendation of eliminating all exemptions, this recommendation is critical.

Deferred Service:

Table D-9 and D-10 show the rate and range of deferred service for the Anchorage and Fairbanks courts.

Table D-9  
Anchorage Deferrals of Jury Service

<u>Months That Service was deferred</u>	<u>Number of Defendants in 4 Months</u>	<u>Monthly Average</u>	<u>% of Total</u>
1	109	27.25	14.27
2	182	45.50	23.82
3	136	34.00	17.80
4	100	25.00	13.09
5	72	18.00	9.42
6	66	16.50	8.64
7	62	15.50	8.12
8	26	6.50	3.40
9	10	2.50	1.31
10	1	0.25	0.13
Total	764	191.00	100.00

Table D-10  
Fairbanks Deferrals of Jury Service

<u>Months That Service Was Deferred</u>	<u>Number of Deferrals in 4 Months</u>	<u>Monthly Average</u>	<u>% of Total</u>
1	17	4.25	3.5
2	118	29.50	24.6
3	78	19.50	16.3
4	71	17.75	14.8
5	69	17.25	14.4
6	51	12.75	10.6
7	35	8.75	7.3
8	17	4.25	3.5
9	6	1.50	1.3
10	4	1.00	0.8
11	4	1.00	0.8
12	4	1.00	0.8
More than 12	<u>6</u>	<u>1.50</u>	<u>1.3</u>
Total	480	120.00	100.0

There was an average of 191 deferrals per month in Anchorage and 120 per month in Fairbanks. Most of the deferrals were for two months. Sixteen percent of Fairbanks deferrals were for more than six months compared with 13 percent for Anchorage.

Deferrals require a suspense system, but this will be done automatically in the revised automated system. Thus, except for processing of the questionnaire, there will be no deferral workload on the jury clerks. Deferral of service increases juror convenience and thus juror satisfaction. We recommend the current jury deferral practices be continued with necessary controls (e.g., no multiple deferrals for any one juror) established by the automated system. Based upon our previous recommendation of eliminating all exemptions, thus leniency of deferrals is critical.

Summons:

There is no data available on the number of summons sent and those unclaimed, resulting in "no shows", or resulting in excusals. This data will be available under the revised automated system.

With the implementation of this system, Anchorage will have a combined questionnaire/summons process. This should decrease the number of questionnaires which require followup due to non-submittal. It will also save computer processing time required to produce summons and questionnaires separately.

Based upon our experiences in Anchorage, we will evaluate implementation of this combined process statewide.

Juror Yield:

This term refers to the percent of jurors having been sent questionnaires who show up for juror service. This yield is computed for Anchorage and Fairbanks in Tables D-11 and D-10.

Table D-11  
Anchorage Yield Computation

Qualification

Number of Questionnaires Sent		4400	100%
Less:			
Undelivered	1737	39.5%	
Not Returned	0	0	
Total Non-Response	<u>1737</u>	<u>39.5%</u>	
Disqualified	427	9.7%	
Exempt	57	1.3%	
Excused	672	15.3%	
Total Excluded	<u>1470</u>	<u>33.4%</u>	
Total Qualified	1507		
Qualification Process Yield		<u>34.3%</u>	

Summoning

Number of Summons Sent		1507	100%
Less:			
Unclaimed/No Show/ Excused	246	16.3%	
Total Jurors Serving	1261		
Summoning Process Yield		<u>82.7%</u>	

Overall Yield

Qualification Process Yield	<u>34.3%</u>	X	Summoning Process Yield	<u>83.7%</u>
=	<u>28.7%</u>	+	Deferred From Previous Months	<u>17.4%</u>
=	<u>46.1%</u>			

Table D-12  
Fairbanks Yield Computation

Qualification

Number of Questionnaires Sent		4000	100%
Less:			
Undeliverable	2067	51.7%	
Not Returned	0	0	
Total Non-Response	<b>2067</b>	<b>51.7%</b>	
Disqualified	524	13.1%	
Exempt	42	1.1%	
Excused	350	8.8%	
Total Excluded	<b>916</b>	<b>22.9%</b>	
Total Qualified	1017		
Qualification Process			<b>25.4%</b>

Summoning

Number of Summons Sent		1017	100%
Less:			
Unclaimed/No Show/ Excused	207	20.4%	
Total Jurors Showing	810		
Summoning Process Yield			<b>79.7%</b>

Overall Yield

Qualification Process Yield	<b>25.4%</b>	X	Summoning Process Yield	<b>79.7%</b>
	=		Deferred From Previous Months	<b>12.0%</b>
	=			<b>32.2%</b>

The "Not Returned" category is set to zero because of both courts' policy of following up on questionnaires not returned. The "Number of Summons Sent" is assumed to be the same as "Total Qualified". Under the revised automated system, this will surely be true. Summons "Unclaimed/No Show/Excused" was derived by subtracting "Total Jurors Showing" from "Number of Summons Sent".

The yield was 14 percent higher for Anchorage than it was for Fairbanks. This is attributable to the larger Fairbanks' undeliverable rate for questionnaires. Table D-13 shows typical yield rates for other courts throughout the country.

Table D-13  
Court Juror Yield Rates

		COURTS									
		1	2	3	4	5	6	7	8	9	10
QUALIFICATION	UNDELIVERABLE	27	13	27	2	8	12	6	SUMMON DIRECTLY FROM MASTER WHEEL		
	NOT RETURNED	12	33	7	16	15	26	20			
	EXCLUDED	27	42	24	42	36	28	45			
	QUALIFIED YIELD	34	12	42	40	41	34	29			
SUMMONING	UNCLAIMED	22	8	4	3	4	21	1	20	18	11
	NO SHOW	5	8	2	2	4	6	2	10	10	6
	EXCLUDED	3	8	16	27	8	11	21	35	50	49
	POSTPONED	3	46	16	5	4	13	13	0	0	6
	SUMMONING YIELD	57	30	62	63	80	49	30	—	—	—
OVERALL YIELD		19	4	26	25	33	17	8	35	22	28

The term "Master Wheel" is the same as our Jury Master or Venire list.

The rates for Anchorage and Fairbanks are quite good by comparison, especially when you consider their high and uncorrectable undeliverable rate. A yield goal used nationally is 40 percent. However, an increase in our yield rates would decrease questionnaire and handling costs.

Table D-14 shows the number of questionnaires per month that will be saved with implementation of the revised automated juror system.

Table D-14  
Decrease in Monthly Questionnaires Expected  
Under Revised Automated System

<u>Category</u>	<u>Anchorage</u>	<u>Fairbanks</u>	<u>Total</u>
Deceased	2.00	2.50	4.50
Previous Service	24.25	54.50	78.75
Outside Radius	4.75	9.50	14.25
Under Age	<u>14.50</u>	<u>6.00</u>	<u>20.50</u>
Total	45.50	72.50	118.00

The fact that a person is deceased will be entered to the computer via cathode ray tube (CRT) terminal and the deceased person will not be selected again. This will eliminate "repeat" excusals in this category which we are told are as high as 50 percent. With the 17.2 percent of new address from AJIS, we hope to improve the "Outside Radius" by that percentage. The Jury Master list will be annotated when a juror has served and that juror will not be selected again. Finally, those under age will automatically be left off the jury selection list. We estimate some 10 percent will still be selected due to age not appearing in all source list entries.

These system changes will save some \$566 in questionnaire costs per year. The new yield rates will be 51 percent for Anchorage and 40 percent for Fairbanks; our previous recommendation on checking questionnaires returned from the post office against city phone directories should further raise these yield rates to about 51 percent and 46 percent respectively. The recommendations on deletion of exemptions should have little effect on yield rates.

The Anchorage Excusal rate of 15 percent and Total Excluded rated of 33 percent could be improved. We recommend somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.

Completion of Juror Service:

This topic is not normally considered within the qualification process, but since we have already discussed the length of juror service, it seems appropriate to discuss when juror service is considered to be complete.

Presently, a juror's service is considered to be complete on the day ending the period of service. At the completion of service, the juror may not have yet sat on a jury or may have sat on as many as eight or nine juries. Our analysis of exit questionnaires completed by Anchorage and Fairbanks jurors has led us to consider an alternative to this method of marking an end to juror service.

Table D-15 shows the number of times the 180 Anchorage respondents actually sat on trials.

Table D-15  
Anchorage Frequency of Sitting as a Juror

<u>Times Sat as Jurors</u>	<u>Number of Jurors</u>	<u>Percent of Jurors</u>	<u>Cumulate Percent</u>
0	46	25.6	25.6
1	75	41.7	67.3
2	44	24.4	91.7
3	11	6.1	97.8
More than 3	<u>4</u>	<u>2.2</u>	100.0
Total	180	100.0	

There is no way under a code-a-phone system to control the completion of the questionnaire coinciding with the completion of jury service. Therefore, the data from the above table does not represent a month-long distribution of service. The 46 persons who had not yet sat as a juror may have subsequently sat later in the month. However, the data from Table D-15 will be useful in investigating juror attitudes.

One section of the questionnaire queries the juror as to his impression of jury service. It reads as follows:

8. After having served, what is your impression of jury service? (Answer one)
- A. The same as before--favorable
  - B. The same as before--unfavorable?
  - C. More favorable than before?
  - D. Less favorable than before?

The Anchorage results for this question are shown in Table D-16 stratified by the number of times the person sat as a juror.

Table D-16  
Impressions of Jury Service  
By Times Sat as a Juror

Time Sat as Juror	Same Favorable A	Same Unfavorable B	More Favorable C	More Unfavorable D
0	19	7	7	5
1	27	1	26	4
2	21	-	21	-
More than 2	<u>7</u>	<u>-</u>	<u>8</u>	<u>-</u>
Total	74	8	62	9

Almost all of the jurors questioned in Fairbanks served on one trial. Thus this type of analysis can not yet be done for that court. Table D-16 shows, that there were no unfavorable responses for Anchorage jurors having sat as a juror two or more times.

Table D-17 summarizes the favorable and unfavorable responses.

Table D-17  
Type Response by Number of Times  
Sat as Juror

Times Sat as Juror	Favorable A+C	% of Total	More Favorable C	% of Total
0	26	68.4	7	18.4
1	53	91.4	26	44.8
2	42	100.0	21	50.0
More than 2	<u>15</u>	<u>100.0</u>	<u>8</u>	<u>52.3</u>
Total	136	88.9	62	40.5

We see that, for those persons having not yet sat as a juror, the percent of favorable responses (A and C) was only 68 percent and the percent answering "more favorable than before" was only 18 percent. The lower rates for this group were statistically tested and found to be highly significant. Thus, a person's impression of jury service increases very favorably once he or she sits for the first time as a juror. Continued trial sittings further increase the favorable response rate, but only slightly. Curiously, the number of times the person was "rejected" from jury service (went to the courtroom but was not selected) had no effect upon that person's impression of jury service.

In Anchorage, there were enough responses to further analyze their 89 percent favorable (A and C) response. The only other relationship that correlated to whether or not a juror answered favorably was that blue collar workers tended to have a less favorable response towards jury service (Table D-18).

Table D-18  
Blue Collar Worker  
Impression With Jury Service

<u>Impression</u>	<u>Blue Collar</u>		<u>Other</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Favorable - Same (A)	8	28.6	69	50.4
Unfavorable - Same (B)	5	17.9	4	2.9
More Favorable (C)	11	39.3	58	42.3
More Unfavorable (D)	<u>4</u>	<u>14.2</u>	<u>6</u>	<u>4.4</u>
Total	28	100.0	137	100.0
Total Favorable	19	67.9	127	92.7

Five of the nine blue collar workers dissatisfied had lost pay. But this only explained part of their dissatisfaction (Table D-19).

Table D-19  
Blue Collar Worker  
Impressions For All Juror Who Had Not Lost Money

	<u>Blue Collar</u>	<u>Other</u>
Favorable (A+C)	19	127
Unfavorable (B+D)	<u>4</u>	<u>7</u>
Total	23	134
Favorable Rate	82.6	94.8

So money alone was not the reason for dissatisfaction. But when we analyze the number of trials in which blue collar workers were involved, we see the underlying reason (Table D-20).

Table D-20  
Blue Collar Worker  
Trial Rates

<u>Impression</u>	<u>No Trial</u>	<u>At Least One Trial</u>	<u>Trial Rate</u>
Favorable	7	15	68.2%
Unfavorable	<u>8</u>	<u>2</u>	<u>20.0%</u>
Tot l	15	17	53.1%

Sixty-eight percent of those who were favorable to jury service had sat on at least one trial. Only 20 percent of those whose impression was unfavorable had sat on a trial. Blue collar workers averaged 0.81 trials per juror as compared with 1.37 trials for other jurors. This then amplifies the conclusion that juror attitudes towards jury service improve once the first trial is experienced. It also shows that blue collar workers seem to have more difficulty reaching that first trial.

We recommend, therefore, that the period of juror service be considered complete once the juror has sat on and completed one trial, this will

- decrease the probabilities of any person selected for jury duty not serving on a trial (there were several negative comments by jurors relating to not having had a chance to serve as a juror).
- increase the numbers of persons selected for jury service, serving on one trial, and becoming favorably impressed with jury duty (and thus the justice system). The increase would be over 1,000 more citizens serving and sitting on trials per year. This is a 20 percent increase over current figures.
- decrease the time inconveniences of jury duty thus reducing reluctance to serve. This should decrease our excusal rates.
- alleviate the fears of many associated with the justice system pertaining to the "trained" trial jury.

Summary:

- The undeliverable rates for juror questionnaires are 40 and 52 percent for Anchorage and Fairbanks respectively. The use of certified mail for those questionnaires returned by the post office would decrease these undeliverable rates, but at too great a cost to the court system. However, we do recommend that all questionnaires returned by the post office be compared to the city phone directory and, when an exact name match is found, the questionnaires be sent to the new address. This will decrease the undeliverable rates for Anchorage and Fairbanks to 35 and 45 percent respectively; with an investment of eight hours per jury clerk per month.
- The new lower undeliverable rates of 35 and 45 percent are related to the transient nature of Alaska's urban population. These rates cannot be further lowered on a cost effective basis.
- The professional exemptions to jury service listed in AS 09.20.30 show very little validity. Therefore, we recommend all exemptions be deleted. Those now exempted would still have the opportunity to apply for an excusal or deferral of service. Adoption of this recommendation would place us in line with national trends to eliminate or reduce exemptions from jury service.
- Anchorage disqualifies jurors who are military or military spouses unless they are Anchorage residents or own property in the State. Fairbanks considers all military and military spouses eligible for jury duty. We recommend that the Fairbanks policy be adopted statewide.
- Our 30 day jury service period is among the highest in the nation; this leads to higher excusal rates. We recommend an experiment wherein the term of jury service in Anchorage be decreased to two weeks. This can be done within the provisions of the current statute and methods of jury selection. This test should run at least six months with a post evaluation concentrating on changes in excusal rates and juror attitudes.
- We recommend that current lenient juror deferral of service be continued with necessary controls against abuse established by the automated system. This recommendation is critical to that of eliminating exemptions from jury duty.

- Anchorage juror excusal rate is twice that of Fairbanks. We recommend a somewhat stricter excusal policy in Anchorage to be implemented in conjunction with the two week service test.
- A person's impression of jury service (and thus of the judicial process) increases very favorably once he or she sits on a jury for the first time. This impression increases only slightly on subsequent sittings. We recommend that the period of juror service be considered complete once the juror has sat on and completed one trial. This will decrease the probabilities of any person selected not having sat on a trial; It will also increase the numbers of persons selected for jury service, serving on one trial, and thus becoming favorably impressed with jury service. Finally, it will decrease the time inconveniences of jury duty, thus reducing reluctance to serve.
- Implementation of the above recommendations coupled with the implementation of our revised automated system will increase questionnaire yield rates from 46 percent to 67 percent in Anchorage and from 32 percent to about 52 percent in Fairbanks. This would bring our yield rates in line with national expectations and would save approximately \$2,000 a year in questionnaire costs.



## E. JUROR PAY

### Loss of Money:

Our juror surveys showed that 18 percent of those in Anchorage and 21 percent of those in Fairbanks lost money while serving on jury duty. This is compared to a common national objective of less than 10 percent. The average amount lost was \$309 in Anchorage and \$228 in Fairbanks. The average number of hours served for those losing money was 12 for Anchorage and Fairbanks. Obviously, the recent increase in juror fees from \$15 to \$20 will do relatively little to decrease the percent losing pay.

All of the Fairbanks jurors queried had favorable reactions to jury service. But only two of the fifteen losing pay answered that their impression of jury service was "more favorable" than before. More than a quarter of those not losing pay responded with the "more favorable" impression.

This pattern is even more pronounced in Anchorage as shown by Table E-1.

Table E-1  
Anchorage Juror Impressions  
versus Pay Loss

<u>Impressions</u>	<u>Those Who Lost Pay</u>	<u>Those Who Didn't</u>	<u>Total</u>
A Favorable	9	68	77
B Unfavorable	3	6	9
C More Favorable	14	55	69
D More Unfavorable	4	6	10
Total	<u>30</u>	<u>135</u>	<u>165</u>
A+C Total Favorable	23	123	146
% Total Favorable	77%	92%	89%

The percent responding favorably in Anchorage is significantly higher for those who did not lose pay. Thus, as might be expected, losing money while serving as a juror significantly decreases a person's favorable impression of jury service (and possibly of the justice system as well).

We must then evaluate different payment strategies for the sake of fairness and also to increase juror satisfaction.

Pay Distributions:

Tables E-2 to E-5 show juror pay data available for this fiscal year.

Table E-2  
Anchorage Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	436	21,187	48.59	3.24
August	513	16,980	33.10	2.21
September	506	22,665	44.79	2.99
December	370	10,860	29.35	1.96
January	539	20,790	38.57	2.57
February	506	16,875	33.35	2.22
April	557	25,845	56.40	3.09
Total	3,427	135,202		
Average	489.6	19314.6	39.45	2.63

Table E-3  
Fairbanks Juror Pay

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	170	6,360.00	37.41	2.49
August	277	7,860.00	28.38	1.89
September	310	10,282.50	33.17	2.21
October	442	11,533.00	26.09	1.74
November	312	12,397.50	39.74	2.65
December	381	14,983.40	39.33	2.62
January	314	15,597.90	49.67	3.31
February	365	8,985.00	24.62	1.64
April	259	4,882.50	18.85	1.26
Total	2,830	93,811.80		
Average	314.4	10423.5	33.15	2.21

**Table E-4**  
**Other Third Judicial District Juror Pay**

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	32	1,005.00	31.41	2.09
August	141	3,330.00	23.62	1.57
September	251	8,520.00	33.94	2.26
October	37	1,815.60	49.07	3.27
December	133	3,060.00	23.01	1.53
January	191	6,622.50	34.67	2.31
February	221	6,495.00	29.39	1.96
April	99	1,640.52	16.57	1.10
<b>Total</b>	<b>1,105</b>	<b>32,788.62</b>		
<b>Average</b>	<b>157.9</b>	<b>4684.1</b>	<b>29.67</b>	<b>1.98</b>

**Table E-5**  
**Other Fourth Judicial District Juror Pay**

Month	Number Jurors Paid	Payment Amount	Average Pay Per Juror	Average Days Service
July	54	757.50	14.03	0.94
August	49	630.00	12.86	0.86
October	23	285.00	12.39	0.83
November	59	922.50	15.64	1.04
December	133	2,362.50	17.76	1.18
January	26	307.50	11.83	0.79
February	22	247.50	11.25	0.75
April	46	562.50	12.23	0.82
<b>Total</b>	<b>412</b>	<b>6,075.00</b>		
<b>Average</b>	<b>51.6</b>	<b>759.38</b>	<b>14.75</b>	<b>0.98</b>

These are the only locations operating on the automated juror payment system and thus the only ones for which we have data. Some of the monthly accounting reports could not be located, thus explaining some months not being represented in the above tables.

For the courts shown above, Table E-6 shows a distribution of the number of days service paid for during the first part of this calendar year. This distribution is based on two months data.

Table E-6  
Days of Service Distribution

Days of Service	Anchor- age	Fair- banks	Other 3rd District	Other 4th District	Total	% of Total	Cumu- lative %
1/2	189	202	197	41	629	25.8	25.8
1	176	165	129	68	538	22.1	47.9
1 1/2	77	54	46	12	189	7.8	55.7
2	83	62	63	10	218	9.0	64.7
2 1/2	76	38	43	-	157	6.5	71.2
3	81	28	34	6	149	6.1	77.3
3 1/2	42	26	10	-	78	3.2	80.5
4	39	39	19	-	97	4.0	84.5
4 1/2	14	23	19	-	56	2.3	86.8
5	18	19	14	-	51	2.1	88.9
5 1/2	9	22	12	-	43	1.7	90.6
6	37	11	7	-	55	2.3	92.9
6 1/2	18	10	8	-	36	1.5	94.4
7	20	5	4	-	29	1.2	95.6
7 1/2	5	4	2	-	11	0.5	96.1
8	8	8	2	-	18	0.7	96.8
8 1/2	10	-	2	-	12	0.5	97.3
9	4	-	2	-	6	0.3	97.6
9 1/2	6	2	1	-	9	0.4	98.0
10	6	2	-	-	8	0.3	98.3
More than 10	28	14	4	-	46	1.7	100.0
<b>Total</b>	<b>946</b>	<b>734</b>	<b>618</b>	<b>137</b>	<b>2435</b>	<b>100.0</b>	

Almost half the jury payments were for one day or less. Over three quarters of the payment were for three or less days. Those serving one day or less accounted for 15 percent of total juror costs. Those serving three days or less accounted for 42 percent of total juror costs.

Incremental Payment Plan:

Massachusetts has implemented a juror pay plan whereby no one is paid for juror service for the first three days and then all are paid \$40 a day thereafter. The philosophy of this plan is that (1) jury service is a public duty; and (2) when a juror is really inconvenienced, (e.g., long trial), the pay he receives should be high enough to prevent serious financial losses. The additional funds required for compensating these long-term jurors is financed from the amounts previously paid for the first three days.

Because of parking problems in Anchorage and Fairbanks, it would seem unfair to implement that strategy in Alaska without some modification. Let us assume that, instead of no payment, a juror received five dollars a day to cover parking expenses. Table E-7 shows projected annual state-wide jury costs for plans calling for five dollars a day for the first two or three days, then from \$20 to \$50 thereafter.

Table E-7  
Projected Jury Costs With Incremental Payment  
Subsequent Daily Payment

Strategy	\$20	\$25	\$30	\$35	\$40	\$45	\$50
\$5 1st two days	343,670	413,228	472,282	536,590	600,893	665,201	729,504
\$5 1st three days	238,295	271,127	303,953	336,779	369,610	402,436	435,787

Thus, if we paid jurors only five dollars a day for the first two days, then \$40 a day thereafter, our projected costs would be \$600,893. If we paid only five dollars a day for the first three days, then \$40 a day thereafter, our costs would decrease to \$369,610.

Petit juror costs were \$587,604 in 1976. With the new \$20 a day fee, this figure is projected to rise to \$783,452 in 1977. Using this figure and the data from Table E-7, we can compute expected savings in juror fees using the above incremental payment plans (Table E-8).

Table E-8  
Projected Annual Savings With Incremental Payments  
Subsequent Daily Payment (\$5 First Two/Three Days)

Strategy	\$20	\$25	\$30	\$35	\$40	\$45	\$50
\$5 1st two days	442,782	374,224	304,170	249,862	185,559	121,251	56,948
\$5 1st three days	548,147	515,325	482,499	450,073	416,842	384,016	350,665

Thus, if we paid \$5 for the first two days and \$50 a day thereafter, we would still save almost \$57,000 a year in petit juror fees. We do not want to save money at the expense of our jurors. Therefore, we seek a "Robin Hood" approach where we merely redistribute our costs so as to better compensate those jurors who are greatly inconvenienced by long periods of actual service. Yet, to increase the supplemental pay per day beyond \$50 seems intuitively to place too great an incentive to serve as a juror for low income or unemployed persons.

Let us then examine what the savings would be if we increased the payment for the first two or three days from \$5 to \$10 (Table E-9).

Table E-9  
Projected Annual Savings  
With Incremental Payments (\$10 First Two/Three Days)  
Subsequent Daily Payment

	\$20	\$25	\$30	\$35	\$40	\$45	\$50
1st two days	352,702	284,144	214,090	159,782	91,265	31,171	-33,132
1st three days	458,077	425,145	392,419	359,993	326,762	293,936	260,585

At \$10 the first two days and \$45 thereafter, we reach the closest point to breaking even. But we still save \$31,000 a year.

Massachusetts' plan for no payment the first three days, then \$40 a day thereafter, is being tested in Cambridge. The original test was scheduled for Boston, but it was moved because of apprehension of public disfavor in that city. We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of an incremental payment plan such as those discussed above.

#### Payment to State Employees:

In all but the Juneau trial court, we currently mail warrants for payment of service to all jurors including State employees. State employees must then mail the warrant to the Executive branch in Juneau where it is deposited in the general fund. This practice results in increased handling time for the court system and in Juneau. In addition, funds originally placed in the budget of the court system end up in the executive branch. Some six percent of Anchorage jurors responding to exit questionnaires were State employees. If this percent were approximately true statewide, the amounts of jury funds transferred between branches of government would be as high as \$36,000 a year.

In Juneau, the areawide administrator has implemented a policy wherein a State employee is not paid for his jury service unless he or she requests it for a specific reason (e.g., leave was taken for jury service). We recommend that the Juneau policy be implemented statewide, thus reducing our budget for jury costs by some \$36,000 and eliminating the paperwork processing required of State employees and the executive branch.

#### Summary:

- Losing money while serving as a juror significantly decreases a person's favorable impression of jury service (and possibly of the justice system as well).
- Massachusetts has implemented an incremental payment plan whereby the juror receives nothing for the first three days of service, then \$40 a day thereafter. This plan is being tested in Cambridge.

- Of the possible incremental payment plans we could implement in Alaska, we prefer \$10 a day for the first two days, then \$45 a day thereafter. This is a more liberal plan than that of Massachusetts; yet we would still save \$31,000 a year if it were implemented.
  
- We recommend that we observe the results of the Massachusetts test and, based upon its results, consider sometime in 1978 the adoption of incremental payment plan such as the one mentioned above.
  
- In all locations but Juneau, we presently distribute warrants to State employees for jury service. They then return them to the Executive branch in Juneau. Besides the extra processing involved, this causes a \$36,000 inflation in our budget for jury costs. We recommend statewide adoption of the Juneau policy whereby State employees would not be paid for jury service unless there are special circumstances.

## APPENDIX A

### LOGIC FOR ELIMINATING DUPLICATE NAMES

#### Jury File

The Jury File is composed of records from three sources: (1) Voters Registration, (2) Fishing and Hunting Licenses, (3) Income Tax. There are identifiers in each file that are used to match and eliminate duplicate records.

<u>ELEMENT</u>	<u>VOTERS</u>	<u>FISH AND GAME</u>	<u>INCOME TAX</u>
Last Name	YES	YES	YES
First Name	YES	YES	NO
First Initial	YES	YES	YES
Middle Initial	YES	YES	YES
Date of Birth	YES	YES	NO
Soc. Sec. Number	YES	YES	YES
Mailing Address	YES	YES	YES

It would appear that Social Security Number could be used to match the three files and eliminate duplicates, however this is not true because Social Security Number is not a required element in the Voters and Fish and Game files and spouses on the Income Tax File are not required to have a Social Security Number. Approximately 24% of the combined records do not contain Social Security Number.

Therefore the following procedure is used to eliminate duplicate records:

1. Match all files by Social Security Number and Last Name or First Initial. Approximately 3,000 records have the same Social Security Number but are different individuals. If the Last Name is the same or the First Initial is the same, the record is merged. This allows for women changing their Last Name through marriage during the year.
2. The Income Tax file is matched to the Drivers file by Social Security Number, Last Name and First Initial. On any matching record, the complete First Name and Date of Birth is transferred from the Drivers File to the Income Tax File.
3. The merged files are sorted to Last Name, First Name, Date of Birth and the numeric digits of Mailing Address. Duplicates are eliminated by the following elements:
  - A. Last Name, First Name, Date of Birth.
  - B. Last Name, First Name, Address Numeric Digits.
  - C. Last Name, First Name, 7 of the 9 digits of the Social Security Number.

4. Experience has shown that Social security Number is not a valid identifier, even if present, because of transpositions of number and individuals using another person's number. Therefore, name, date of birth and the mailing address fields are also used to eliminate duplicates.
5. Each record type contains a date that is used to determine which address is the latest. However, the Voters File date is the original date of registration and not the last address change date. Therefore, in most cases where records match the Voters File, the Voters File address field is not used unless it is a recent registration.

## APPENDIX B

### COMPUTER RANDOMIZATION TECHNIQUE

#### Enclosure 1

#### Random Number Generator For Jury Selection

The random number generation programs provided by IBM are based on the power-residue method. Each random number is set to the remainder obtained by dividing successive powers of the starting number by  $2^b$  where  $b$  is the number of bits in one computer word. ( $X^n \pmod{2^b}$ ,  $n = 1, 2, 3, \dots$ ). See IBM manual GC20-8011-0.

The power-residue method as well as the center square method and the Fibonacci Series method are not satisfactory for jury selection since they repeat without generating all of the integers within their range. If a power residue method were allowed to continue it could repeat after selecting only one fourth of the persons on the list. The following rule for generation of numbers is proposed because it produces all the numbers within its range before repeating: Draw some starting number, then always set the next number equal to the remainder obtained by dividing 5 times the last number plus 7 by  $2^b$  where  $b$  is chosen so that  $2^b$  is larger than the number of persons on the court's list, ( $2^b$  means 2 multiplied by itself  $b$  times). Numbers generated that fall outside the sequence numbers of the court would be ignored. This rule will generate all the numbers from 0 through  $2^b - 1$ .

#### Example:

Suppose we want to select 8 persons from a list of 25 "b" can be set to 5 since  $2^5 = 32$  which is larger than 25. Also suppose we draw "7" as a starting number. The above rule will produce all numbers from 0 through 31 ( $2^5 - 1 = 31$ ). Since there are 25 persons on the list when a number from 26 to 31, or  $\emptyset$  is produced it will not be used. Although normally we would stop after selecting the 8 prospective jurors, this example is continued to show that all numbers between 0 and 31 would be produced before the sequence repeats.

1	7	In this case with $b = 5$ , our rule becomes:
2	10	Obtain the next random number as the remainder
3	25	of 5 times the last number plus 7 divided by
4	4	32. The second number 10 is obtained as the
5	27	remainder of $5 \times 7 + 7$ or 42 divided by 32.
6	14	Note that jurors are not selected using numbers
7	13	26 through 31 since there are only 25 persons on
8	8	the list.
9	15	
10	18	
11	1	

12	12	
13	3	Prospective juror #1 is 7th on the list
14	22	Prospective juror #2 is 10th on the list
15	21	Prospective juror #3 is 25th on the list
16	16	Prospective juror #4 is 4th on the list
17	23	Prospective juror #5 is 27th on the list
18	26	Prospective juror #6 is 14th on the list
19	9	Prospective juror #7 is 13th on the list
20	20	Prospective juror #8 is 8th on the list
21	11	
22	30	If we had started with 9 as our starting
23	29	number, the prospective jurors would
24	24	be the 9th, 20th, 11th 24th, 2nd, 17th,
25	31	19th and 6th persons on the list.
26	2	
27	17	
28	28	
29	19	
30	6	
31	5	
32	0	Repeat Point
33	7	
34	10	
35	25	
36	4	

If we had set "b" to a larger number (7), the computer would produce random numbers over a larger range. (0 through 127) More computer time would be spent discarding numbers that are larger than any sequence number. It is suggested that the computer set b to the smallest integer such that  $2^b$  is greater than the number of jurors on the file. Different values of b would slightly change the order of selection, but would not affect the probability of a given person being selected.

In summary we repeat the proposed procedure:

1. Specify how many people are to be selected and for which court, they are to be selected.
2. Draw the starting random number. It is suggested that this be done by the Presiding Judge for the court location requiring jury selection.
3. The computer will select the smallest value of b so that  $2^b$  is greater than the number of persons on that court's list.  $2^b$  means 2 multiplied by itself b times.  $2^3$  equals  $2 \times 2 \times 2$  or 8.
4. The computer repeatedly generates random numbers by setting the next random number equal to the remaining obtained by dividing 5 times the last number plus 7 by  $2^b$ .
5. The prospective juror is the person whose sequence number corresponds to the random number.

Random number not corresponding to a sequence number are used in obtaining the next random number but do not select a person. Computer print-outs of the sequence:  $R_1, R_2, \dots, R_{n-1}, 5(R_{n-1}+7) \pmod{2^b}, \dots, R_{2^b-1}$  are available for values of  $b$  from 1 through 17. With  $b = 17$  numbers are generated in the range 0-131, 071. Presently 17 is the largest value we would use for  $b$ , since the largest court jury list contains 98, 295 names. The computer lists show that all the integers from 0 through  $2^b-1$  are generated.

The proposed random number generator can be visualized as producing a circle of juror sequence numbers in haphazard order. Selection of a starting number gives a starting point on the circle. The prospective jurors are those people whose sequence numbers fall along the circle from the starting point.

The probability of a person being selected using the proposed computer system is the same as his probability of being selected in a hand-drawing. In randomly hand drawing  $m$  people from a total of  $n$  people, the probability of any one person being drawn is  $m$  divided by  $n$  ( $m/n$ ). Using the proposed computer system the probability of a person being drawn equals the probability that any of the  $m$  numbers preceding and including his number on the circle are drawn as the starting number. The probability that any of these  $m$  numbers is drawn as a starting number is  $m$  divided by  $n$ . ( $m/n$ ), as long as the box from which the starting number is drawn contains the  $n$  sequence numbers of the people on the court list. Thus the probability of a person being selected when  $m$  prospective jurors are to be drawn from  $n$  people is  $m/n$  whether the drawing is done by hand or by the proposed computer system.



APPENDIX C

DETAILED DEMOGRAPHIC DISTRIBUTION FROM JURY MASTER LIST

Anchorage Source List  
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6.1
19-20	1,960	3.4	6.2
21-24	7,538	14.1	14.7
25-34	19,003	35.6	31.2
35-44	11,408	21.3	23.3
45-54	7,839	14.7	15.9
55-64	4,163	7.8	6.4
65 and over	1,585	3.1	2.3
<b>Total</b>	<b>53,496</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>327</b>	<b>Average 37.2</b> <b>Median 34.1</b>	<b>36.6</b> <b>34.3</b>

Fairbanks Source List  
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 8.3
19-20	643	3.6	8.6
21-24	2,765	15.5	18.4
25-34	6,634	27.1	31.6
35-44	3,486	19.5	19.9
45-54	2,376	13.3	13.2
55-64	1,410	7.9	5.9
65 and over	571	3.1	2.4
<b>Total</b>	<b>17,885</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>161</b>	<b>Average 36.7</b> <b>Median 33.3</b>	<b>35.1</b> <b>32.3</b>

**Juneau Source List  
Female Age Distribution**

Age Category	Number	Percent of Total	1970 Census Percent 4.2
19-20	233	3.5	4.3
21-24	840	12.5	10.0
25-34	2,253	33.5	26.7
35-44	1,325	19.7	22.1
45-54	976	14.5	19.0
55-64	697	10.4	11.4
65 and over	411	5.9	6.5
<b>Total</b>	<b>6,735</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>75</b>	<b>Average 39.0</b> <b>Median 35.3</b>	<b>40.8</b> <b>39.1</b>

**Rest of State Source List  
Female Age Distribution**

Age Category	Number	Percent of Total	1970 Census Percent 2.
19-20	1,308	3.4	5.4
21-24	4,894	12.8	11.8
25-34	12,262	31.9	28.4
35-44	7,808	20.3	21.6
45-54	5,846	15.2	16.7
55-64	4,018	10.5	10.0
65 and over	2,252	5.9	6.1
<b>Total</b>	<b>38,388</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>317</b>	<b>Average 39.3</b> <b>Median 35.6</b>	<b>39.5</b> <b>37.0</b>

Total State Source List  
Female Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6
19-20	4,144	3.6	6.2
21-24	16,037	13.8	13.9
25-34	40,152	34.5	30.0
35-44	24,027	20.6	22.2
45-54	17,037	14.6	15.0
55-64	10,288	8.8	7.8
65 and over	4,819	4.1	4.0
Total	116,504	100.0	100.0
No Age	880	Average 37.8 Median 31.4	37.6 35.0

Anchorage Source List  
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 6
19-20	2,915	4.2	6.2
21-24	9,486	13.7	17.3
25-34	24,051	34.7	28.1
35-44	15,137	21.9	23.7
45-54	10,160	14.7	15.8
55-64	5,644	8.2	6.6
65 and over	1,862	2.6	2.3
Total	69,255	100.0	100.0
No Age	290	Average 37.2 Median 34.3	35.8 33.8

Fairbanks Source List  
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 11.7
19-20	1,064	3.7	12.1
21-24	4,084	14.3	27.1
25-34	10,693	37.3	25.8
35-44	5,808	20.3	17.3
45-54	3,900	13.6	10.6
55-64	2,224	7.8	5.4
65 and over	887	3.0	1.7
Total	28,660	100.0	100.0
No Age		Average 36.8 Median 33.6	32.8 25.4

Juneau Source List  
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 4.0
19-20	354	4.5	4.1
21-24	914	11.5	7.9
25-34	2,644	33.2	26.5
35-44	1,645	20.7	23.0
45-54	1,207	15.2	19.0
55-64	748	9.4	13.3
65 and over	451	5.5	6.2
Total	7,963	100.0	100.0
No Age	70	Average 38.8 Median 35.4	41.5 29.0

Rest of State Source List  
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent
19-20	1,623	2.9	8.4
21-24	7,056	12.7	15.9
25-34	17,481	31.5	26.7
35-44	11,697	21.1	21.5
45-54	8,527	15.4	10.7
55-64	5,722	10.3	10.3
65 and over	3,364	6.1	6.5
<b>Total</b>	<b>55,470</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>298</b>	<b>Average</b> 39.5	37.9
		<b>Median</b> 26.4	34.6

Total State Source List  
Male Age Distribution

Age Category	Number	Percent of Total	1970 Census Percent 7.6
19-20	5,956	3.7	7.9
21-24	21,540	13.4	18.2
25-34	54,869	34.0	27.1
35-44	34,287	21.3	21.7
45-54	23,794	14.8	13.2
55-64	14,338	8.9	8.1
65 and over	6,564	3.9	3.8
<b>Total</b>	<b>161,348</b>	<b>100.0</b>	<b>100.0</b>
<b>No Age</b>	<b>823</b>	<b>Average</b> 37.9	36.6
		<b>Median</b> 34.7	33.8

**Juneau Source List  
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	6,926	45.8	49.1
Male	8,210	54.2	50.1
<b>Total</b>	<b>15,136</b>	<b>100.0</b>	<b>100.0</b>
No Sex Code	1,145		

**Rest of State Source List  
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	39,359	40.6	42.4
Male	57,570	59.4	58.6
<b>Total</b>	<b>96,929</b>	<b>100.0</b>	<b>100.0</b>
No Sex Code	10,634		

**Total State Source List  
Total Age Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	119,456	41.8	44.1
Male	166,140	58.2	56.9
<b>Total</b>	<b>285,596</b>	<b>100.0</b>	<b>100.00</b>
No Sex Code	28,691		

**Anchorage Source List  
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	54,803	43.6	46.8
Male	71,003	56.4	53.2
<b>Total</b>	<b>125,806</b>	<b>100.0</b>	<b>100.0</b>
No Sex Code	11,649		

**Fairbanks Source List  
Sex Distribution**

Sex	Number	Percent of Total	1970 Census Percent
Female	18,368	38.5	39.5
Male	29,357	61.5	60.5
<b>Total</b>	<b>47,725</b>	<b>100.0</b>	<b>100.0</b>
No Sex Code	5,263		



APPENDIX D

THE ALASKA JURY STATUTE

**Chapter 20. Trial.**

**Article**

- 1. Jurors (§§ 09.20.010—09.20.100)
- 2. Witnesses (§§ 09.20.110—09.20.180)

**Article 1. Jurors.**

**Section**

- 10. Qualification of jurors
- 20. Disqualification of jurors
- 25. Limitation on jury service
- 30. Exemptions
- 40. Compliance with statute
- 50. Jury list

**Section**

- 60. Use of jury box
- 70. Public drawing for jurors for panel
- 80. Jury panel
- 90. Impaneling the trial jury
- 100. Verdicts

**Sec. 09.20.010. Qualification of jurors.** A person is qualified to act as a juror if he is

- (1) a citizen of the United States;
- (2) a resident of the state;
- (3) at least 19 years of age;
- (4) of sound mind;
- (5) in possession of his natural faculties; and
- (6) able to read or speak the English language. (§ 2.01 ch 101 SLA 1962; am § 3 ch 245 SLA 1970)

**Cross reference.** — See Civ. R. 47(c).

**Legislative committee report.** — Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CSHB 406 (Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6.

To define the qualification of jurors and prescribe the mode of their selection is a rightful subject of legislation. *Tynan v. United States*, 297 F. 177 (9th Cir.), cert. denied, 266 U.S. 604, 45 S. Ct. 91, 69 L. Ed. 463 (1924).

Quoted in *City of Kotzebue v. Ipa-look*, Sup. Ct. Op. No. 588 (File No. 1033), 462 P.2d 75 (1969).

Am. Jur., ALR and C.J.S. refer-

ences.—31 Am. Jur., Jury, §§ 67 to 101, 121 to 145.

Unfamiliarity with English as affecting competency of juror, 34 ALR 194.

Effect of exclusion of women from jury list, 52 ALR 922.

Intelligence or character test of qualifications of juror, 126 ALR 507.

Religious test of qualifications of juror, 126 ALR 526.

Loyalty test of qualifications of juror, 126 ALR 529.

Women as jurors, 157 ALR 561.

Deafness of juror as ground for impeaching verdict; waiver of objection thereto, 15 ALR2d 534, 537.

50 C.J.S. Juries §§ 134 to 152.

**Sec. 09.20.020. Disqualification of jurors.** A person is disqualified to act as a juror if he

- (1) has served as a juror in the state within one year of his time of examination for service;
- (2) has been convicted of a felony and his civil rights have not been restored. (§ 2.02 ch 101 SLA 1962)

**Cross reference.** — See Civ. R. 47(c).

**ALR and C.J.S. references.**—Criminal charge or conviction as disqualifying juror, 126 ALR 518.

Removal by executive of disqualifi-

cation resulting from conviction of crime as applicable in case of conviction in federal court or court of another state, 135 ALR 1493.

Governing laws as to existence or character of offense for which one

has been convicted in a federal court or court of another state, as bearing upon disqualification to sit on jury, 175 ALR 805. 50 C.J.S. Juries §§ 153, 154.

**Sec. 09.20.025. Limitation on jury service.** No person may be required to serve more than three months as a juror during any consecutive two-year period. However, if a person is serving as a juror at the conclusion of the three months period, he shall complete the trial then in progress. (§ 1 ch 147 SLA 1968)

**Legislative committee report.**—For 548 am S), see 1968 House Journal, report on ch. 147, SLA 1968 (CSHB 497.

**Sec. 09.20.030. Exemptions.** A person may claim exemption and may be excused from service as a juror if it is shown that jury service will cause him to suffer material injury or destruction to his property or to the property entrusted to him, or if his health, the health or proper care of his family, or the sickness or death of a member of his family makes it necessary for him to be excused, or if he is

- (1) a judicial officer;
- (2) any other civil officer of the state or United States whose duties are at the time inconsistent with his attendance or service as a juror;
- (3) an attorney;
- (4) a minister of the gospel or priest of any denomination;
- (5) a teacher in a university, college, academy, or school;
- (6) a practicing physician;
- (7) a practicing dentist. (§ 2.03 ch 101 SLA 1962; am § 1 ch 8 SLA 1964)

**Cross reference.**—See Civ. R. 47. officers as jurors in criminal cases, ALR and C.J.S. references. — Po- 140 ALR 1183. lice officers or other law enforcement 50 C.J.S. Juries § 153.

**Sec. 09.20.040. Compliance with statute.** The selection of jurors shall be made in substantial compliance with the following provisions. A failure in substantial compliance which prejudices the rights of a party is reversible error. (§ 2.04 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Sec. 09.20.050. Jury list.** (a) At such times as need may require, but not later than March 15 of each year, the administrative director of courts shall prepare for each judicial district a list of the names of the residents of the district who are qualified by law for jury service. If the superior court is located in different cities in the same judicial district, the administrative director shall prepare for each location of the court a list of the names of the qualified residents of that portion of the district considered by him to be appropriate.

- (b) The jury list shall be based on a list of all persons who pur-

chased a resident trapping, hunting or fishing license during the preceding calendar year which showed an Alaskan address (to be prepared by the Department of Fish and Game), a list of all persons who filed a state income tax return during the preceding calendar year which showed an Alaskan address (to be prepared by the Department of Revenue), and a list of all persons who have registered to vote in this state (to be prepared by the lieutenant governor). The departments and the lieutenant governor shall submit their respective files to the Department of Administration not later than January 15 of each year. To the extent that it is available, the files submitted by the departments and the lieutenant governor shall contain the following information for each person on the list for the preceding calendar year: his first name, middle initial, and last name; his residence address as well as his mailing address, including the zip code for each; his social security number; his birth date; and the number of years and months he has been a resident of the state. The files submitted by the departments and the lieutenant governor shall be recorded on magnetic tape compatible with Department of Administration data processing equipment.

(c) A copy of the appropriate portion of the jury list shall be transmitted only to each district judge and each superior court judge, and shall only be used to summon jurors and for other state governmental purposes. A questionnaire for prospective jurors may be adopted and submitted to them by the administrative director of courts. (§ 2.05 ch 10 SLA 1962; am § 3 ch 24 SLA 1966; am § 1 ch 67 SLA 1969; am § 1 ch 10 SLA 1971)

**Cross references.**—See Civ. R. 47. See AS 22.10.030 and note thereto.

**Legislative committee report.**—For report on ch. 10, SLA 1971 (SCS CSHB 48 am S), see 1971 House Journal, p. 78.

**Constitutionality.**—There is nothing to indicate that under the voting list method of selection a fair cross section of the community is not represented, and that there is a systematic and intentional exclusion of a particular, cognisable group of persons. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

**Meeting constitutional standard in jury selection.**—The constitutional standard in jury selection will be met if prospective jurors are drawn from a fair cross section of the community. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969); *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

**Legislative intent.**—If the legislature had intended that a new list be prepared under the 1969 amendment on or immediately after the effective date of that amendment, it could easily have indicated its intent in this regard. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

A determination of the method for selecting juries is a matter within the legislative prerogative. *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Jury selection in Alaska is regulated by statute and rules of procedure. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

This section provides for expansion of sources from which jury lists are compiled. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The jury is an essential institution

in a democracy. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

As an institution, the jury offers Alaska citizens the opportunity to participate in the workings of government, and serves to legitimize the Alaska system of justice in the eyes of both the public and the accused. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And it serves multifaceted purposes. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The essential feature of a jury obviously lies in the interposition between the accused and his accuser of the common-sense judgment of a group of laymen, and in the community participation and shared responsibility that results from that group's determination of guilt or innocence. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine; that is, of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to a jury trial is a fundamental right, recognized as such throughout the nation by the constitutions of all the states and the federal government. Not only is such a right recognized, but it has been protected against nullification by the improper constitution of juries. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to jury trial contained in the 6th amendment is directly applicable to state prosecutions. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury is primarily charged with the task of finding the truth of the facts asserted. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And the jury fulfills other equally vital political and psychological purposes. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury must be an impartial one. This is an expression of the notion of what a proper jury is—a body truly representative of the community. Such a notion is in keeping with the basic, traditional concept of a democratic society and representative government. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The right to trial before an impartial jury is explicitly secured to individuals accused of crimes by Alaska Const., art. I, § 11. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Failure to provide accused with an impartial jury constitutes a denial of his constitutional right to due process of law. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The extension to the states of the 6th amendment right to jury trial necessarily comprehends the guarantee that juries shall be impartial. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Representation of a fair cross section of the community on the jury list is an essential prerequisite to an impartial jury under the Alaska Constitution. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

A jury will be deemed impartial when the source from which it is drawn reasonably reflects a cross section of the population. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

An individual should not be forced, against his will, to stand trial before a jury which has been selected in such a manner as to exclude a significant element of the population of the community in which the crime was allegedly committed. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The contours of a fair cross section of the community are elusive and, indeed, they may not be susceptible of precise definition. *Alvarado v. State*,

Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Common-law vicinage.—See Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Vicinage in the historical sense is no longer a formal requirement. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The Alaska Constitution contains no formal provision for a jury of the vicinage. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The source of prospective jurors need not, in all instances, include residents of the place in which the crime was allegedly committed, for it is conceivable that the source of prospective jurors may exclude the scene of the alleged offense, yet still reasonably represent a cross section of the community which includes the scene of the offense. Thus, several decisions imply that selection of prospective jurors from a restricted area within a judicial district, even if the scene of the crime is omitted from that area, will be acceptable if there is no indication that the population of the restricted area differs significantly from the population of entire district. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The traditional starting point for determining the community from which jurors are to be selected is the scene of the alleged offense. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The legislature, has designated Alaska's four judicial districts as outer community boundaries for the purpose of selecting prospective jurors. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Judicial districts are not necessarily the only acceptable communities for the purpose of jury selection. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The practice of selecting jurors from more limited areas within Alaska judicial districts has been upheld. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

It is the community in which the

crime was committed that the jury must represent. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The area surrounding the location of the crime may be excluded from the source of selection when it appears that an unbiased jury could not be drawn therefrom. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Selecting jurors for cases arising within urban centers. — For cases arising from crimes allegedly committed within the various urban centers of Alaska, the maintenance of geographical limits currently in force will be acceptable; provided, of course, that selection within the given areas is not itself discriminatorily conducted. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

And for cases arising outside urban and non-native centers.—As for cases arising outside the urban and predominately non-Native centers of Alaska, two acceptable and feasible alternatives may be employed in selecting jurors. First, jurors may be selected from among residents of the entire judicial district in which the crime is alleged to have occurred. A second alternative, one which is perhaps at the same time more desirable and more workable than the first, would be selection of jurors from the senate election district in which the crime is alleged to have occurred. Either of these alternatives would be calculated to produce jury panels satisfying the constitutional requirement of impartiality. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

All differences among individuals need not be recognized. — All differences among individuals, or every conceivable group, in the community need not be recognized for the purpose of representation on juries. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

The exclusion of all daily wage earners is inconsistent with the notion of a jury representing a cross section of the community. Alvarado v. State, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

Systematic exclusion of women effectively negates the possibility of a jury representing a fair cross section

of the community. *Alvarado v. State*, Sup. Ct. Op. No. 704 (File No. 1230), 486 P.2d 891 (1971).

**Selection of grand and petit jurors.**

—The provisions of this section and §§ 60 and 70 of this chapter permit each district to determine for itself questions pertaining to the selection of grand and petit jurors. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not sug-

gest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

C.J.S. reference.—50 C.J.S. Juries § 157.

**Sec. 09.20.060. Use of jury box.** The clerk of the court shall write the names included in the list on separate pieces of paper or prepare metal, plastic, or other types of pieces to correspond to numbers on the jury list. As directed by the court, he shall deposit the named or numbered pieces in the jury box in a number and manner to assure a fair and impartial drawing of the jury panel. The jury box and the named or numbered pieces may be examined by the parties or by an attorney authorized to practice law in the state within limitations and under conditions prescribed by the court. (§ 2.06 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

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Stated in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 402 P.2d 994 (1969).

**Sec. 09.20.070. Public drawing for jurors for panel.** Under the direction of the court the clerk shall conduct the public drawing of jurors for the panel by shaking the box to mix the named or numbered pieces. The clerk shall then draw as many names or numbers as are ordered by the court to fill the jury panel. If the name or number of a person is drawn from the box and the person is deceased, unqualified, disqualified, or the person's atten-

dance cannot be obtained within a reasonable time or may involve a large and unnecessary expense, and the fact appears to the satisfaction of the court through the use of questionnaires or otherwise, the court may reject the name of that person and direct that the name or number of another be drawn in his place. (§ 2.07 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Constitutionality.**—This section is not violative of Alaska Const., art. I, § 11. *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

**Names of persons for the jury panel** are randomly selected from the jury list by the court clerk at a public drawing. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Summoning jurors from less than entire judicial district** is discretionary.—The question of how the superior court is to make the decision as to whether jurors should be summoned from less than the entire judicial district is for the court to determine in its discretion. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The legislature has given to the superior court the power to determine whether jurors should be summoned from less than the entire judicial district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**And expense is standard which guides the court.**—The standard which guides the court in making a determination as to whether jurors should be summoned from less than the entire judicial district is whether a large and unnecessary expense is involved in obtaining jurors from all parts of the district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Selecting only jurors residing within 30 miles of trial site held proper.**—See *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

A grand jury selected from the city of Anchorage and an area within a 15-mile radius of the city is a jury which satisfies proper standards of jury selection. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The policy of calling jurors only from an area within a 15-mile radius of the city of Anchorage does not result in the exclusion from jury service of any particular and defined stratum of society so as to detract from the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

It is not required that there be equal representation on juries of every economic, social, religious, racial, political and geographical group of the entire judicial district in order to maintain the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

**Jury selection procedures designed to insulate process from biases of officials.**—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Mere claim of benefit did not suggest officials biased.**—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Quoted in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 502 (File No. 1177), 462 P.2d 994 (1969).

**Sec. 09.20.080. Jury panel.** The jury panel for the trial of civil

cases consists of at least 24 jurors or more as determined by the court. If at any time the number of jurors on the panel falls below 24 or the regular panel is exhausted, the court shall order the clerk to complete the panel or secure additional jurors by drawing sufficient names from the jury box. (§ 2.08 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

The law does not require the drawing of 24 names of those on the jury panel in impaneling a trial jury, but only, as provided by AS 09.20.090, a number "sufficient to name a jury of 12 unless the court directs otherwise." *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

**Waiver of right to challenge sufficiency of jury panel.**—Where party participated in the selection of the jury and said nothing as to the panel being insufficient until after the jury had been selected and sworn, this constituted a waiver of whatever right such party may have had to challenge the sufficiency of the jury panel. *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Jury selection procedures designed to insulate process from biases of of-

icials.—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Mere claim of benefit did not suggest officials biased.**—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Presumption that official duty has been regularly performed.**—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

**Sec. 09.20.090. Impaneling the trial jury.** When a civil case which is to be tried by a jury is called for trial, the clerk shall draw from the trial jury box containing the names of those on the jury panel a number of names or numbers sufficient to name a jury of 12 unless the court directs otherwise. The prospective jurors shall be examined, challenged, and sworn as provided by rules of the supreme court. (§ 2.09 ch 101 SLA 1962)

**Cross references.**—See Civ. R. 47. See note to AS 09.20.080.

**C.J.S. reference.**—50 C.J.S. Juries § 192.

**Sec. 09.20.100. Verdicts.** In a civil case tried by a jury in any court, whether of record or not, not less than five-sixths of the jury may render a verdict, which is entitled to the legal effect of a unanimous verdict at common law. Special verdicts need not be concurred in by the same jurors. (§ 2.10 ch 101 SLA 1962)

**Cross reference.**—See Civ. R. 47.

**Legislative committee report.** — For legislative committee report on original bill, see 1969 House Journal, pp. 614, 905.

Stated in *Khalili v. Pan American Petroleum Corp.*, 49 F.R.D. 22 (D. Alas. 1969).

**ALR and C.J.S. references.**—State statute permitting verdicts by less

than twelve jurymen as applicable to action under Federal Employer's Liability Act, 12 ALR 713; 36 ALR 919.

Quotient verdict, 52 ALR 41.

Verdict as affected by agreement in advance among jurors to abide by less than unanimous vote, 73 ALR 93.

89 C.J.S. Trial §§ 486, 487.

# THE PETIT JURY SYSTEM IN ALASKA

## PART II

### JUROR UTILIZATION

ABSTRACT: Eighteen percent of jurors called to the Anchorage courthouse fail to show up. Forty percent of scheduled jury trials fold after the jurors are called to the courthouse. Only 26 percent of Anchorage jurors called to duty actually sit on a jury panel. We are not effectively using our jurors. By adopting utilization techniques used in other jurisdictions, we can save almost \$200,000 a year in jury costs and greatly reduce juror inconvenience.

Merle P. Martin  
Manager of Technical Operations  
Office of the Administrative Director  
Alaska Court System

November, 1977

THE PETIT JURY SYSTEM IN ALASKA

PART II JUROR UTILIZATION

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## A. OBJECTIVES, METHODOLOGY, AND CONCLUSIONS

### Objectives:

This is the second of three reports evaluating juror management in the Alaska Court System. The first report dealing with juror selection, qualification and payment was published in September of 1977. The third report dealing with a juror information system will be published in December of 1977. This report speaks to utilization of jurors once they are called to the courthouse.

This study necessarily concentrates on the Anchorage trial courts -- that was the only court for which sufficient data was available. But the problems with and recommendations towards absenteeism, panel sizes, folding trials, and unused jurors should serve as a guide to all trial courts throughout Alaska.

### Methodology:

We used juror attendance sheets and in-court juror challenge rosters to develop a complete picture of juror usage for the first three months of 1977. We also used data and recommendations provided by Bird Engineering in Vienna, Virginia through a technical assistance visit. That report is included in the appendix.

### Conclusions:

Juror utilization in Anchorage is poor. Fairbanks juror utilization could be improved in the area of panel size. Specific conclusions and recommendations are as follows:

- Eleven percent of jurors called to the courthouse in Anchorage were absent. No followup is made by the jury clerk. This looseness in handling jurors not only leads to a poor image of the court system, but makes prediction of the number of jurors who will show up almost impossible. As a result, the jury clerk tends to call more jurors than she needs, resulting in increased juror costs and inconvenience.
- But followup on absent jurors does not seem to lead to a lower absenteeism rate. We suggest that the Anchorage trial courts randomly select a certain number of absent jurors and apply sanctions (e.g., fines) to them.
- Only 58 percent of those jurors who showed up (48 percent of those called) were actually sent to a courtroom. The remainder were dismissed for the day because of a scheduled trial folded. The trial fold rate was 40 percent. Juror fees expended for folding trials amount to \$63,000 a year.

- We recommend that the Anchorage Trial Court coordinate with the District Attorney's and Public Defender's office to attempt to decrease the jury trial fold rate. Sanctions should be imposed for those attorneys or offices with continually high fold rates. One suggested sanction is charging jury costs for folding trials.
- We further recommend that the Anchorage trial courts implement probabilistic scheduling of jury service as set forth in the Bird Engineering report.
- We also recommend that the Anchorage trial courts experiment with staggered trial start times so as to decrease the numbers of jurors called.
- Trials in Anchorage (particularly in the District Court) are not starting on time. We recommend that this situation be corrected.
- Too many jurors are being sent to the courtroom. We recommend that felony panel sizes be reduced to 29 in Anchorage and 34 in Fairbanks, and that six-person jury panel sizes be reduced to 14 in Anchorage and 12 in Fairbanks. This will result in an annual reduction in juror costs of \$17,000.
- Implementation of the above recommendation will save the the Anchorage trial courts an estimated \$189,000 a year in jury costs. It will also greatly decrease waiting time inconveniences to our citizen jurors.

## B. JUROR UTILIZATION PROCESS

The juror selection process provides courts with a pool of qualified jurors. All or a portion of this pool is then called in to meet daily jury trial requirements.

In Anchorage and Fairbanks, a "codaphone" call system is used between 3 and 4:30 p.m. of the day preceding the beginning of trials. The jury clerk records on the codaphone system a message indicating which specific panels of jurors are needed for trials scheduled to begin the following day. All jurors are instructed to call the codaphone number each evening to determine if they are to report to the jury waiting room the next morning. If a panel group or individual names are included in the pre-recorded message, then those jurors must appear for jury service the next morning. Otherwise, they resume their normal occupations and call the next night.

In other locations throughout the State, the call procedure varies. Jurors required may be contacted by telephone or mail. Rarely is the full pool of qualified jurors required to assemble together at any one time.

Whatever the method of call-in, not all prospective jurors called show up for jury duty. Absences are dealt with differently depending upon the court location.

In addition to absences, there are those prospective jurors who show up as called but request an excusal for that day due to personal hardship. The percentage of these requests that are granted varies from court to court.

The number of jurors ready to serve on any one day is thus the number of prospective jurors called in minus those absent and those temporarily excused. This group, if it is their first time called to jury service, is then given an orientation session. This session includes:

- Introduction to the juror handbook
- An orientation film
- An address by a judge, jury clerk, or other court official.

The prospective jurors wait for the case for which they are assigned to start. If that case folds, they are dismissed for that day. If the case does indeed go to trial, the panel is escorted to the courtroom.

In the courtroom, voir dire is conducted. The categories of jurors involved in voir dire are as follows:

- (1) Those whose names are randomly drawn, are questioned, and
  - are challenged for a specific cause;
  - are subject to a peremptory (without reason) challenge by plaintiff or defendant; and
  - are qualified and impaneled on the jury;
- (2) Those who never are randomly called to the jury box, listen to the entire voir dire, but are "not reached" by the process.

Those impaneled undergo the trial process and are then released from jury duty for that day. The others are immediately released for the remainder of the day after voir dire is concluded. The juror utilization process is summarized in Figure B-1.

### Absenteeism:

Table B-1 shows waiting room data for Anchorage for the first three months of 1977. There were an average of 318 jurors called per week. The actual number of individuals called is less than that since an individual juror could be called more than once in one week.

Of those called, only 82 percent actually showed up. Four hundred and forty-three (443) were absent and 302 were excused. The absentee rate was 11 percent. There was no time for jury clerk followup on absent jurors.

During the month of October we conducted an experiment to provide more insight into the absenteeism rate. Of the 26 panels called for that month, we selected six as a control group. Two of these groups were comprised of jurors who had been granted deferral of service to October. The jury clerk believes that such deferred jurors are "poor jurors" in that they tend to be absent more. The remaining four panels were comprised of new, or non-deferred, jurors.

Whenever one of the six control panels were called to service and a juror on the panel was absent, we telephoned or sent a letter to him or her and asked for the reason for the absence. At the end of the month we compared the absenteeism rates for the control group and for the other groups. The result was disappointing. The absenteeism rate for the control group was higher than for the uncontrolled group. It does not appear that this treatment of absent jurors will prove beneficial without some sanctions attached. We suggest that the Anchorage Trial Courts randomly select a certain number of absent jurors and apply sanctions (e.g., fines).

Table B-1  
Anchorage Trial Courts Juror Utilization  
(First Quarter 1977)

Week	Jurors Called	Absent	Excuse	Jurors Show	Show Rate	Sent to Court	Sent to Court Rate	Used in Court	Used in Court Rate
1/3-1/6	345	72	22	251	.728	106	.422	54	.215
1/10-1/13	299	56	17	226	.756	111	.491	48	.212
1/17-1/20	342	30	29	283	.857	182	.643	92	.325
1/24-1/28	179	13	15	151	.844	68	.450	31	.205
1/31-2/4	403	59	30	314	.779	115	.366	64	.210
2/7-2/10	352	34	16	302	.858	155	.513	64	.212
2/14-2/17	436	30	32	374	.858	227	.594	92	.246
2/22-2/25	148	3	15	130	.878	130	1.000	62	.477
2/28-3/4	431	55	26	350	.812	240	.686	94	.269
3/7-3/10	318	33	20	265	.833	184	.695	84	.317
3/14-3/17	278	27	18	233	.838	161	.692	60	.258
3/21-2/25	492	28	41	423	.860	264	.624	116	.274
3/28-4/1	106	3	21	82	.774	34	.415	14	.171
<b>Total</b>	<b>4129</b>	<b>443</b>	<b>302</b>	<b>3384</b>	<b>.820</b>	<b>1972</b>	<b>.583</b>	<b>875</b>	<b>.259</b>
<b>Weekly Av.</b>	<b>317.6</b>	<b>24.1</b>	<b>23.2</b>	<b>260.3</b>		<b>151.7</b>		<b>67.3</b>	

Sent to Courtroom:

Note from Table B-1 that only 58 percent of those who show up (48 percent of those called) were actually sent to a courtroom. The remainder were dismissed for the day because a scheduled trial folded (Table B-2). The reason for the folding included change of plea, civil parties settling and judge disqualification.

Table B-2  
Anchorage Trial Courts Trials Folded  
(First Quarter 1977)

Week	Trials Scheduled	Trial Folded	Fold Rate	\$ Spent for Jurors Not Sent to Courtroom
1/3-1/6	18	8	.444	1,027.50
1/10-1/13	18	6	.333	1,080.00
1/17-1/20	16	6	.375	963.75
1/24-1/28	6	3	.500	622.50
1/31-2/4	20	12	.600	1,492.50
2/7-2/10	16	8	.500	1,102.50
2/14-2/17	23	10	.435	1,327.50
2/22-2/25	4	0	0	0
2/28-2/4	19	6	.316	1,065.00
3/7- 3/10	18	4	.222	705.00
3/14-3/17	15	5	.333	540.00
3/21-3/25	22	8	.364	1,410.00
3/28-4/1	4	3	.750	360.00
<b>Total</b>	<b>109</b>	<b>79</b>	<b>.397</b>	<b>11,756.25</b>

With the new 20 dollar a day juror fee, we will lose almost \$63,000 in 1977 in Anchorage alone due to the trials folding after the jurors have been called in.

Forty (40) percent of the trials folded. The fold rate for District Court was almost 50 percent. A typical day was January 12th when all four misdemeanor trials folded.

There are two methods of dealing with this practice. The first is to decrease the fold rate. Table B-3 shows projected savings from such a decrease.

Table B-3  
Effects of Decreasing  
Trial Fold Rates in Anchorage

<u>Fold Rate</u>	<u>Projected Annual Dollar Savings</u>
.397	\$ 0
.35	7,458
.30	15,393
.25	23,327
.15	39,196
.10	47,131

We recommend that the Anchorage Trial Court coordinate with the District Attorney and Public Defender's office to attempt to decrease the jury trial fold rate. Sanctions should be imposed for those attorneys with a continually high fold rate. One suggested sanction is charging jury costs for folded trials.

The second method is to better anticipate the folding trial problem and schedule jurors accordingly. This method, referred to as probabilistic scheduling, was suggested by Mr. Munsterma in the Bird Engineering study (Appendix I). He showed that, by using the call-in guidelines shown in Table B-4 below, the number of people called in the first quarter in Anchorage would have been decreased by 42 percent. This would have saved about \$20,500 (at \$15 a juror day).

Table B-4  
Suggested Call-In Guidelines  
(If Superior Court Cases Begin in Afternoon)

No. Scheduled Trials in District Court	<u>Number Scheduled Trials in Superior Court</u>		
	0	1	2
0	0	29	29
1	14	35	35
2	14	35	35
3	28	41	41
4	42	47	47
5	56	56	56
6	56	56	56
7	56	56	56

At the new rate of \$20 per jury day, this would equate to about \$109,000 a year. We recommend that the Anchorage trial courts implement probabilistic scheduling of jury service as set forth in the Bird Engineering report.

Such scheduling can only be successful if trial start times are staggered. Mr. Munsterman particularly recommends starting Superior Court trials in the afternoon and using jurors that have been challenged or not reached in morning District Court trials.

We further recommend that the Anchorage trial courts experiment with staggered trial start times so as to more effectively use jurors called.

Data from Anchorage juror exit questionnaires reveal that jurors spend an average of 4.3 hours waiting in the jury assembly room for every time they reported to the cases. But a qualitative review of jury attendance sheets shows that, in the District Court, almost all trials were scheduled for nine o'clock in the morning. Few started before 10 o'clock as demonstrated in Table B-5.

Table B-5  
Anchorage District Court Trial  
Starting Times (For Those Trials in Which  
Trial Start Times Were Available)

<u>Case No.</u>	<u>Trial Start Time (A.M.)</u>
76-7321	10:06
76-7107	11:18
76-7627	10:04
76-9158	10:09
76-7727	9:45
77-29	10:30
77-23	10:15
77-1515	10:10
77-883	10:00

Although the above data is scanty, there was no data available that showed any trial starting on time. It then appears that, of the jury waiting time, more than an hour is tied to late trial starts.

Juror dissatisfaction over this type of wait is considerable. In Anchorage only 43 percent of the juror's questioned rated scheduling of their time good; 17 percent rated it as poor. The figures were 40 percent and 14 percent respectively for Fairbanks. We recommend that the Trial Courts make concentrated effort to start their trials at the time stated so juror's won't have to wait so long in the assembly area.

Referring again to Table B-1, we see that, of the 1972 jurors subsequently sent to court, only 875 actually sat on a jury. Comparing this figure to the number of jurors called, only 26 percent of those called actually sat on trials. Let us analyze in more detail the reasons for this low figure.

Challenges: Tables B-6 and B-7 shows challenge data for felony jury trials in Anchorage and Fairbanks.

Table B-6  
Juror Challenges for Anchorage  
Felony Trials

Date	Case Number	Panel Size	Challenges			Total	Percent of Panel
			Plain-tiff	Defen-dent	For Cause		
1/17	76-6908	33	1	6	1	8	24.2
1/31	76-7390	30	2	3	1	6	20.0
2/1	76-6372	34	1	2	0	3	8.8
2/7	76-7557	35	2	10	1	13	37.1
2/14	76-7748	28	1	3	0	4	14.3
2/16	76-8204	37	3	7	1	11	29.7
2/23	76-7389	33	2	3	2	7	21.2
2/28	76-6088	33	3	2	2	7	21.2
3/8	76-8210	32	5	9	0	14	43.8
3/26	76-7558	35	3	10	4	17	48.6
4/6	77-1306	30	1	7	2	10	33.3
4/4	76-7904	51	4	9	2	15	29.4
5/9	77-1338	28	2	5	1	8	28.6
5/11	76-15928	30	1	6	2	9	30.0
6/1	77-1090	30	0	3	1	4	13.3
<b>Total</b>		<b>499</b>	<b>31</b>	<b>85</b>	<b>20</b>	<b>136</b>	<b>27.3</b>
<b>Average</b>		<b>33.3</b>	<b>2.1</b>	<b>5.7</b>	<b>1.3</b>	<b>9.1</b>	

Table B-7  
Juror Challenges for Fairbanks  
Felony Trials

Date	Case Number	Panel Size	Challenges			Total	Percent of Panel
			Plain-tiff	Defen-dent	For Cause		
4/19	76-3173	47	4	9	7	20	42.5
4/26	77-152	29	5	6	2	13	44.8
5/4	76-2924	39	5	9	2	16	41.0
5/2	77-81	32	1	3	2	6	18.8
5/9	76-2990	42	4	9	8	21	50.0
5/16	77-535	30	5	7	2	14	46.7
5/23	75-313J	32	2	1	3	6	18.8
5/23	77-334	32	4	4	3	13	40.6
5/31	76-2	27	0	3	0	3	11.1
6/20	77-692	35	3	5	0	8	22.9
Total		345	33	56	29	120	34.8
Average		34.5	3.3	5.6	2.9	12.0	

Anchorage averaged nine challenges per case; Fairbanks twelve. The rate of defendant preemptory challenges was the same in each court. The difference was more District Attorney preemptory challenges and more challenges for cause in Fairbanks. Fairbanks had two cases with challenges totalling 20 or more. But the high panel sizes in these two cases indicates that a high rate of challenges was expected.

It is difficult to suggest ways by which challenges can be decreased. A separate study is underway to determine if the number of preemptory challenges can be reduced. We can state, however, that based on the data shown above, preemptory challenges for felony trials in Anchorage will cost the system approximately \$9,000 a year.

Six person jury challenges are shown in Tables B-8 and B-9.

Table B-8  
Challenges for Anchorage  
Six Person Juries

Date	Case Number	Panel Size	Challenges			Total	Percent of Panel
			Plain-tiff	Defen-dent	For Cause		
1/4	76-5937	11	1	3	0	4	36.7
1/25	76-1279	18	0	1	0	1	5.6
1/31	76-7356	17	0	2	1	3	17.7
2/7	76-7321	15	1	0	0	1	6.7
2/9	76-6963	13	0	2	1	3	23.1
2/9	76-6816	13	0	0	0	0	0.0
2/14	76-7867	15	2	2	1	5	33.3
2/15	74-12223	29	1	1	2	4	13.8
2/15	76-7673/ 7674	16	2	2	2	6	37.5
3/1	76-7101	16	1	1	3	5	31.3
3/2	76-7627	16	1	3	1	5	31.3
3/2	76-7869	19	3	2	0	5	26.3
3/7	76-7161/ 7162	13	3	3	1	7	53.9
3/8	76-9158	20	2	1	2	5	25.0
3/8	76-7161/ 7162	15	2	1	4	7	46.7
3/8	76-7630	14	2	4	1	7	50.0
3/14	76-6334	17	2	1	0	3	17.7
3/15	76-8389	15	0	0	0	0	0.0
3/15	76-7456	14	0	0	0	0	0.0
3/15	77-238	11	0	0	0	0	0.0
3/15	76-7623	14	2	1	0	3	21.4
3/16	76-7727	15	2	3	2	7	46.7
3/21	77-29	15	0	0	1	1	6.7
3/22	77.23	14	1	0	0	1	7.1
3/22	76-8218	14	1	2	1	4	28.6
3/22	76-8191	14	2	1	1	4	28.6
3/23	77-1515/16	16	1	1	2	4	25.0
3/25	76-571/ 7037	34	1	1	0	2	5.9
4/4	77-748	17	0	3	0	3	17.7
4/4	77-280	16	1	3	0	4	25.0
4/4	76-8289	16	0	0	0	0	0.0
4/4	76-8268	16	0	0	0	0	0.0
4/5	72-1945	14	3	0	0	3	21.4
4/5	76-7143	14	0	1	0	1	7.1
4/6	77.374	15	0	1	0	1	6.7
Total		561	37	46	26	109	19.4
Average		16.0	1.1	1.3	0.7	3.1	

Table B-9  
Fairbanks Six Person Jury Challenges

Date	Case Number	Panel Size	Challenges			Total	Percent of Panel
			Plain-tiff	Defen-dent	For Cause		
4/21	77-98	21	3	2	0	5	23.8
4/25	77-30	16	1	2	0	3	18.8
4/26	77-529	19	0	1	0	1	5.3
4/27	77-107	18	1	3	0	4	22.2
4/28	77-144	14	1	3	0	4	28.8
5/4	76-2762	16	0	0	0	0	0.0
5/2	76-2726	19	3	3	0	6	31.6
5/3	77-437	18	1	3	0	4	22.2
5/13	76-2842	18	2	0	1	3	16.7
5/19	77-447	18	1	3	1	5	27.8
5/17	77-296	15	1	2	1	4	26.7
5/26	77-252	16	2	2	1	5	31.3
6/2	77-472	15	1	2	3	6	40.0
6/7	77-350	15	2	1	2	5	33.3
<b>Total</b>		<b>238</b>	<b>19</b>	<b>27</b>	<b>9</b>	<b>55</b>	<b>23.1</b>
<b>Average</b>		<b>17</b>	<b>1.4</b>	<b>1.9</b>	<b>0.6</b>	<b>3.9</b>	

Six Person Jury challenges in Anchorage and Fairbanks will cost the State approximately \$10,000 a year. The meager data we have on civil trials suggests an annual cost of approximately \$2,300 a year. So the total cost of challenges for Anchorage and Fairbanks will be about \$21,000. This is less than five percent of total jury costs.

However, the effect of peremptory challenges on jury attitudes is quite negative. Responses on exit questionnaires and conversations with many jurors have convinced me that the average juror is confused and often insulted when he or she is asked to leave the jury box with no reasons stated. For that reason alone, I recommend that we study the whole concept of peremptory challenges.

Panel Size: Tables B-10 and B-11 show the effects of panel size on juror costs for felony cases in Anchorage and Fairbanks.

Table B-10  
Panel Sizes Effects for Anchorage  
Felony Jury Trials

Date	Case Number	Panel Size	In Jury Box			Not Reached		
			Challenged	Seated	Total	No.	% of Panel Size	\$ Paid to not Reached
1/17	76-6908	33	8	14	22	11	33.3	247.50
1/31	76-7390	30	6	13	19	11	36.7	165.00
2/1	76-6372	34	3	13	16	18	52.9	270.00
2/7	76-7557	35	13	13	26	9	25.7	202.50
2/14	76-7748	28	4	13	17	11	39.3	82.50
2/16	76-8204	37	11	13	24	13	35.1	97.50
2/23	76-7389	33	7	13	20	13	39.4	97.50
2/28	76-6088	33	7	13	20	13	39.4	195.00
3/8	76-8210	32	14	13	27	5	15.6	112.50
3/26	76-7558	35	17	12	29	6	17.1	90.00
4/6	77-1306	30	10	14	24	6	20.0	90.00
4/4	76-7904	51	15	13	28	23	45.1	345.00
5/9	77-1338	28	8	13	21	7	25.0	105.00
5/11	76-15928	30	9	13	22	8	26.7	180.00
6/1	77-1090	30	4	13	17	13	43.3	97.00
Total		499	139	195	331	168	33.7	2,377.50
Average		33.3	9.1	13.0	22.1	11.2	N/A	150.50

Table B-11  
Panel Size Effects for Fairbanks  
Felony Jury Trials

Date	Case Number	Panel Size	In Jury Box			Not Reached		
			Challenged	Seated	Total	No.	% of Panel Size	\$ Paid to not Reached
4/19	76-3173	47	20	13	33	14	29.8	105.00
4/26	77-152	29	13	13	26	3	10.3	72.50
5/4	76-2924	39	16	13	29	10	25.6	150.00
5/2	77-81	32	6	13	19	13	40.6	97.50
5/9	76-2990	42	21	13	34	8	19.1	120.00
5/16	77-535	30	14	13	27	3	10.0	22.50
5/23	75-313J	32	6	13	19	13	40.6	195.00
5/23	77-334	32	13	13	26	6	18.8	90.00
5/31	76-2	27	3	13	16	11	40.7	82.50
6/20	77-692	35	8	13	21	14	40.0	105.00
Total		345	120	130	250	95	27.5	1,072.00
Average		34.5	12.0	13.0	25.0	9.5	N/A	107.20

Thirty-four (34) percent of the panel size in Anchorage and 28 percent in Fairbanks were "not reached"; they never sat in the jury box during voir dire and, of course, the trial itself. The costs of sending these excess jurors to the courtroom were \$158.50 per trial in Anchorage and \$107.20 per trial in Fairbanks. This projects to over \$16,000 a year with the new \$20 a day jury fee. Tables B-12 and B-13 show what the savings would be if felony panel sizes were decreased. Projected yearly savings are based on the new \$20 a day jury fee.

Table B-12  
 Projected Savings by Decreasing Anchorage  
 Felony Panel Size

<u>Maximum Panel Size</u>	<u>Not Reached Cost Per Case*</u>	<u>Projected Yearly Savings</u>	<u>Projected Yearly Judge Waits</u>
None	\$ 211.33	\$ 0	0
30	140.66	3,321.25	0
29	122.66	4,167.23	0
28	104.66	5,013.21	3
27	84.66	5,953.18	6
26	64.6	6,893.16	9

\*Based on \$20 a day juror fee.

Table B-13  
 Projected Savings by Decreasing Fairbanks  
 Felony Panel Size

<u>Maximum Panel Size</u>	<u>Not Reached Cost Per Case*</u>	<u>Projected Yearly Savings</u>	<u>Projected Yearly Judge Waits</u>
None	\$ 142.93	\$ 0	0
34	100.93	1,805.95	0
33	96.93	1,977.95	4
32	92.80	2,149.95	8
31	83.80	2,542.67	8
30	74.80	2,929.66	8
29	64.80	3,359.65	13
28	53.80	3,832.64	13
27	42.80	4,305.63	13

\*Based on \$20 a day juror fee.

Thus Anchorage could cut its maximum panel size to 29, save \$4,000 a year, and never run out of jurors - thus incurring no judge waits. Fairbanks could cut its maximum panel size to 34, save almost \$2,000 a year, and never run out of jurors. If the trial courts were willing to experience only one judge wait per judge per year while additional jurors were sought, the savings in Anchorage and Fairbanks for felony trials would be \$7,000 a year.

Tables B-14 and B-15 show panel sizes for six person trials in Anchorage and Fairbanks.

Table B-14  
Panel Size Effects for Anchorage  
Six Person Jury Trials

Date	Case Number	Panel Size	In Jury Box			Not Reached		
			Challenged	Seated	Total	No.	% of Panel Size	\$ Paid to not reached
1/4	76-5937	11	4	6	10	1	9.1	7.50
1/25*	76-1279	18	1	6	7	11	61.1	82.50
1/31	76-7356	17	3	6	9	8	47.1	60.00
2/7	76-7321	15	1	6	7	8	53.3	60.00
2/9	76-6963	13	3	6	9	4	30.8	30.00
2/9	76-6816	13	0	6	6	7	53.9	52.50
2/14	76-7867	15	5	6	11	4	26.7	60.00
5/15	74-12223	29	4	6	10	19	65.5	570.00
2/15	76-7673/ 7674	16	6	6	12	4	25.0	60.00
3/1	76-7101	16	5	6	11	5	31.3	37.50
3/2	76-7627	16	5	6	12	5	31.3	37.50
3/2	76-7869	19	5	7	12	7	36.8	105.00
3/7	76-7161/ 7162	13	7	6	13	0	0	-
3/8	76-9158	20	5	6	11	9	45.0	135.00
3/8	76-7161/ 7162	15	7	6	13	2	13.3	30.00
3/8	76-7630	14	7	7	14	0	0	-
3/14	76-6334	17	3	6	9	8	47.1	60.00
3/15	76-8389	15	0	6	6	9	60.0	135.00
3/15	76-7456	14	0	6	6	8	57.1	60.00
3/15	77-238	11	0	6	6	5	45.5	37.50
3/16	76-7727	15	7	6	13	2	13.3	15.00
3/21	77-29	15	1	6	7	8	53.3	60.00
3/22	77-23	14	1	6	7	7	50.0	52.50
3/22	76-8218	14	4	7	11	3	21.4	22.50
3/22	76-8191	14	4	6	10	3	28.6	30.00
3/23	77-1515/ 1516	16	4	6	10	6	37.5	45.00
3/25	76-571/ 7087	34	2	7	9	25	73.5	187.50
4/4	77-748	17	3	6	9	8	27.1	60.00
4/4	77-280	16	4	6	10	6	37.5	45.00
4/4	76-8289	16	0	6	6	10	62.3	75.00
4/4	76-8268	16	0	6	6	10	62.3	75.00
4/5	72-1945	14	3	7	10	4	28.6	30.00
4/5	76-7143	14	1	6	7	7	50.0	52.50
4/6	77-374	15	1	6	7	8	53.3	60.00
Total		561	109	215	324	237	42.3	2,467.50
Average		16.0	3.1	6.1	9.3	6.8	N/A	70.50

Table B-15  
Panel Size Effects for Fairbanks  
Six Person Jury Trials

Date	Case Number	Panel Size	In Jury Box			Not Reached		
			Challen- ged	Seated	Tot- al	No.	% of Panel Size	\$ Paid to not Reached
4/21	77-98	21	5	6	11	10	47.6	75.00
4/25	77-30	16	3	6	9	7	43.8	52.50
4/26	77-529	19	1	6	7	12	63.2	90.00
4/27	77-107	18	4	6	10	8	44.4	60.00
4/28	77-144	14	4	7	11	3	21.4	22.50
5/4	76-2762	16	0	6	6	10	62.5	75.00
5/2	76-2726	19	6	6	12	7	36.8	52.50
5/3	77-437	18	4	6	10	8	44.4	60.00
5/13	76-2842	18	3	6	9	9	50.0	90.00
5/19	77-447	18	5	6	11	7	38.9	52.50
5/17	77-296	15	4	6	10	5	33.3	37.50
5/26	77-252	16	5	6	11	5	31.3	37.50
6/2	77-477	15	6	6	12	3	20.0	22.50
6/7	77-350	16	5	6	11	4	25.0	30.00
Total		238	55	85	140	98	41.2	757.50
Average		17	3.9	6.1	10.0	7.0		54.11

Over 40 percent of jurors sent to the courtroom for six person juries in Anchorage and Fairbanks were "not reached". The cost of these jurors was \$70 a case in Anchorage and \$50 a case in Fairbanks. Adjusting for the new \$20 a day juror fees, the annual cost of these excess jurors for these two courts is \$27,000.

Tables B-16 and B-17 shows potential savings by cutting down these panel sizes.

Table B-16  
 Projected Savings by Decreasing Anchorage  
 Six Person Jury Panel Size

<u>Maximum Panel Size</u>	<u>Not Reached Cost Per Case*</u>	<u>Projected Yearly Savings</u>	<u>Projected Yearly Judge Waits</u>
Present	\$ 94.00	\$ 0	0
14	60.27	8,567.79	0
13	51.69	10,608.19	7
12	42.27	12,851.68	27
11	32.84	15,095.17	41

\*Based in \$20 a day jury fee.

Table B-17  
 Projected Savings by Decreasing Fairbanks  
 Six Person Jury Panel Size

<u>Maximum Panel Size</u>	<u>Not Reached Cost Per Case*</u>	<u>Projected Yearly Savings</u>	<u>Projected Yearly Judge Waits</u>
Present	\$ 72.14	\$ 0	0
12	22.15	2,383.27	0
11	13.57	3,807.17	9
10	8.57	4,132.16	33
9	5.72	4,317.63	46

\*Based on \$20 a day jury fee.

If Anchorage cut its panel size to 14, it would save over \$8,500 a year in jury fees and never run out of jurors in the courtroom. Fairbanks could cut its panel size to 12, save over \$2,000 a year, and never run out of jurors. If both courts would allow an average of one judge wait a year per judge, the annual savings would be \$11,000.

Tables B-18 and B-19 summarize possible reduction strategies for felony and six person jury trials in Anchorage and Fairbanks.

Table B-18  
Maximum Panel Size With No  
Projected Judge Waits Per Year

<u>Location</u>	<u>Type Jury</u>	<u>Maximum Panel Size</u>	<u>Estimated Annual Savings</u>
Anchorage	Felony	29	\$ 4,167.23
	Six Person	14	8,567.79
Fairbanks	Felony	34	1,805.95
	Six Person	12	<u>2,383.27</u>
Total			\$16,924.24

Table B-19  
Maximum Panel Size With One or Less  
Projected Waits Per Judge Per Year

<u>Location</u>	<u>Type Jury</u>	<u>Maximum Panel Size</u>	<u>Estimated Annual Savings</u>
Anchorage	Felony	28	\$ 5,013.21
	Six Person	13	10,608.19
Fairbanks	Felony	33	1,977.95
	Six Person	12	<u>2,383.27</u>
Total			\$19,982.62

The annual savings are \$17,000 with no judge waits and \$20,000 with an average of less than one wait per judge per year. It is doubtful whether the additional \$3,000 is worth judges waiting. Therefore, we recommend that felony panel sizes be reduced to 29 in Anchorage and 34 in Fairbanks, and that six person jury panel sizes be reduced to 14 in Anchorage and 12 in Fairbanks. This will result in an annual reduction in juror costs of \$17,000.

### C. JUROR ATTITUDES

We analyzed juror service exit questionnaires for 186 Anchorage and 72 Fairbanks jurors. The results are summarized in Figures C-1 and C-2. We have discussed the impact of some of these findings in our preceding report on jury selection, qualifications and pay, and in this report. They are included in this section as documentation for future research.

FIGURE C-3

## Categorization of Anchorage Comments

<u>Category</u>	<u>Number</u>
It's a Good System	18
Need Better Facilities (e.g., chairs)	18
Improve Parking	13
Reduce Voir Dire Time	12
More People Should Have Chance to Serve	8
Too Many Cases Folding	11
Didn't Get Chance to Sit as Juror	5
Call-in System is Good	5
Start Earlier in Day	5
Need More Pay	4
Give More Advance Notice	3
Better Treatment by Judges	2

FIGURE C-4

Categorization of Fairbanks Comments

<u>Category</u>	<u>Number</u>
It's a Good System	4
Need Better Facilities (e.g., clock in jury room)	9
Improve Parking	2
Decrease Waiting Time	1
Faster Processing of Cases	3
Start on Time	1
More Thorough Orientation	1
Use Volunteer Jurors	1
Allow Jurors to Ask Questions in Court	2
Make Employees Reimburse Jurors	1

A PERFORMANCE REVIEW OF  
THE JURY SELECTION PROCESS  
THE ALASKA COURT SYSTEM

**PRELIMINARY REPORT**

Chief Justice  
Administrative Director

Robert Boochever  
Arthur H. Snowden II

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU 99801

AUDIT DIVISION  
POUCH W — ALASKA OFFICE BUILDING

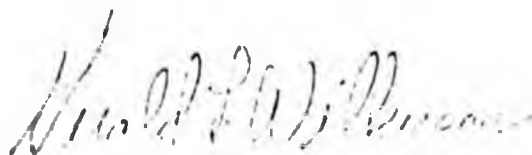
FINANCE DIVISION  
POUCH WF — STATE CAPITOL

September 15, 1977

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report, is submitted for your review.

A PERFORMANCE REVIEW OF  
THE JURY SELECTION PROCESS  
THE ALASKA COURT SYSTEM



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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PURPOSE OF THE REVIEW

In accordance with the provisions of Title 24 of the Alaska Statutes, a review of the Jury Selection Process of the Alaska Court System was conducted to determine if the Jury System is operating in an economic, efficient, and effective manner.

## ORGANIZATION AND FUNCTION

The Alaska Court System is the Judicial Branch of State Government, separate and distinct from the Executive and Legislative Branches. Under this system, the judicial power of the State is vested in the Supreme Court, with the Chief Justice serving as the administrative head of the Court System.

To carry out its responsibilities, the Court System is divided in the following manner:

### Supreme Court

The Supreme Court is the final Court of Appeals on matters of law raising a Federal question in Alaska and, through the Chief Justice, is responsible for setting policy regarding the administrative procedures of the Judicial Branch.

### Judicial Districts - Trial Courts

The Superior and District Courts respectively are the constitutional and legislative bodies that form the trial courts.

### Administrative Services

This function supports the administrative operation of the Trial and Supreme Courts as well as provides certain services directly to the public.

The Judicial Districts have primary responsibility for the identification, selection, qualification and use of jurists as defined in AS 9.20.010-100. Responsibility for the administration of the jury selection system has been delegated to the Technical Operations Section of Administrative Services.

## THE JURY SELECTION PROCESS - AN INTERVIEW

A state-wide computer venire listing is prepared each year on March 15, which lists prospective jurors for each judicial district. This information is obtained from State Income Tax rolls, voter registration and resident hunting, fishing and trapping licenses.

Since each judicial district has individual control over jury selection, there are system differences between the courts. The following information explains the jury selection process for the Anchorage trial courts (the model system for the State). The attached analysis (see Supplemental Information) show how effectively people were used by the Anchorage jury system for the first three months of 1977.

### THE ANCHORAGE JURY SYSTEM

About 1,000 people are randomly selected from the venire listing each month. The computer lists their names on a jury selection run which prepares a jury questionnaire for mailing.

Returned questionnaires are reviewed by the Jury Clerk to qualify or to excuse people. The presiding judge makes the final decision on excusing or deferring people to another month.

All qualified people are assigned to a call-in group (control group of 20 people) and are summoned for one month of jury service. The summons instructs the people on how to telephone the Jury Clerk each day and explains the purpose of the call-in groups. A recorded message tells what groups must report for jury service the next morning.

Superior and District Court calendaring (trial scheduling) inform the Jury Clerk of the number and types of cases scheduled the next day. With this information the Jury Clerk knows the number of people to call in to fill each jury panel. People are randomly assigned to jury panels from the call-in groups.

The size of each panel depends on the types of cases scheduled. A Superior Court panel consists of 20-30 people; 12 will be selected for the jury. District Court panels are 15-20 people from which 6 will be selected for the jury.

The selection of a jury from the panel is conducted in the courtroom. If the case goes to court, the bailiff escorts that panel to the courtroom for questioning by the judge and attorneys. Those people not picked for a jury are excused or held to fill absences on other panels. Frequently, cases fold and the need for the panel no longer exists. These

jurors are sent home or assigned to another panel scheduled for that day.

Jurors are now paid \$10.00 for each half day and \$20.00 for each full day of jury service, at the end of each month.

## FINDINGS AND RECOMMENDATIONS

The Court System has identified and has taken steps to improve several aspects of its own operations. As one of them, the Jury Selection Process is now being studied and revised by the Technical Operations Section. This self-determination by Administration and the goal to improve the jury process is commendable.

However, many of Administration's plans will not be operational for another year or more; the following recommendations are applicable now and should be part of the new jury selection process.

### Recommendation No. 1

The Court System is not using people's time efficiently. Better jury utilization should be the primary objective for the jury system; cost savings should result.

The Court System is not responding to problems in its jury selection process. Because of an attendance problem and scheduling difficulties (calendarizing), the Anchorage courts are bringing in twice as many people as they should. During our three month review (see Supplemental Information), 902 people showed up an average of 4 times each to fill 797 jury positions.

In addition, almost one half of scheduled jury cases folded after people had been paneled in the court building.

Good jury usage requires a responsive court system. The system must bring enough people into the court building to meet jury needs, however, excessive numbers waste money and people's time.

The Court System should address and improve the following conditions:

1. Improve the Calendarizing Process - The Anchorage courts should determine why so many jury cases are folding and should consider staggering jury cases so unused people can be reassigned to later cases.
2. Require Better Attendance for Jury Panels - When 18% of scheduled jury panels do not come in, the system is forced to call in extra people.
3. Develop Standard Jury Panel Sizes - The best size for jury panels should be determined from court room experience. This standard size should be increased only when the judge feels more people are needed.

4. Develop an Acceptable Jury Usage Plan - The courts should be willing to accept minor delays in putting jury panels together when better jury usage will result.

Recommendation No. 2

The Court System should develop written guidelines and instructions for its personnel responsible for selecting, processing, and paying jurists.

Legislative Audit conducted separate reviews of how the jury system works in Anchorage, Fairbanks, Bethel and Juneau. None of these courts had complete written instructions on how the jury selection process should work or what court records should be produced or maintained.

Instructions on the jury system and training of new personnel has been verbal. As a result, some court personnel show a lack of understanding on how to perform all of their duties. In one court we observed duplications of a time consuming clerical operation, while another court had poor controls over its screening and qualification of prospective jurists.

Written procedures and instructions would improve control over the Jury Selection Process. Review of these procedures by court administration and the training of new people would then be easier.

Recommendation No. 3

The Court System should prepare statistical reports on the jury system. Administration would then be in a position to evaluate how effectively the jury process is working.

The Court System had not developed a data collection and reporting system for the jury process. To control any system, feedback information is needed. This is especially true when the process is dealing with the public and is expending \$580,000 annually.

The U.S. Department of Justice has conducted some excellent studies that show step by step plans for developing complete jury management information. Technical Operations is very knowledgeable of these studies and in the long term plans to use much of this information.

Legislative Audit feels that the entire Court System should cooperate with this effort and should make a jury management system an immediate goal. With good jury system information, the Court System could then develop performance standards for evaluating how court personnel are administering this system and related areas such as calendaring.

#### Recommendation No. 4

The quality of information on the venire listing (state-wide listing of people available for jury service) should be improved.

The jury master file contains a high percentage of information that is not correct or up-to-date. Our review showed that the Anchorage and Fairbanks courts both have 30% of the questionnaires mailed returned by the post office. In addition, 17% and 15%, respectively, of the people reached were not eligible and should not have been on the list.

There are two main factors causing this situation. Obtaining correct or current addresses for people is difficult due to the transient nature of our population. In addition, the jury master file is not updated for people who have recently served or who have been permanently excused from jury service.

The smaller courts are more adversely affected by this situation because they have fewer people from which to select juries.

A quarterly review and update of the jury master file or a computer edit of each jury selection run against a current name and address file (such as motor vehicles), could increase jury service yields by reaching more eligible people.

#### Recommendation No. 5

The Court System should develop a flexible but consistent excusal policy from jury service. When the presiding judges are active in the jury qualification process, the system works better.

Our review at Anchorage showed that 80% of the people questioned are excused or deferred from jury service for various reasons. There is an attendance problem throughout the entire jury selection process. This juror reluctance to serve is the result of poor usage of time, low payment and too long of a service period. In addition, because some judicial districts have such poor follow-up procedures, there is little fear of the consequence of ignoring legal notices to appear for jury service.

This situation creates unnecessary paperwork, wastes court time and shifts the burden of jury service to those willing to serve.

The Court System should develop a plan to address this problem. In the Bethel and Fairbanks courts, the presiding judges have become more involved in the jury selection process; increased jury yields have resulted.

Recommendation No. 6

In the larger court districts such as Anchorage, the Court System should consider reducing the length of jury service. Cost savings and better citizen involvement could result.

Legislative Audit has already discussed the benefit of good jury attendance and the need for good jury usage.

The Court System could improve both these aspects of jury service by assigning 100 to 125 people to weekly jury pools. These people could then service one week or on one jury.

People's involvement and attendance would improve; they should respond to shorter jury service and better use of their time. The Court's qualification and selection process would be the same, but easier to control. The Jury Clerk could better control an account for 125 people a week than 500 people for a month.

Jury usage would improve by having more people serve on a jury more efficiently. Nationwide studies have shown that this process works. In our review of the Anchorage courts, we observed that this change would have worked even with the present jury selection process.

Recommendation No. 7

The payment process for jury duty should be improved and brought under control of a second party review.

In each judicial district, the Jury Clerk keeps and reconciles all payment records for jury service. Payment for people's time and vendor service are processed through a jury payment card. No other person in the Court System reviews or approves the accuracy of the information on these payment cards to jury attendance listings or vendor billings.

There are other operational problems with the jury payment process which should be addressed. They include timeliness of payments, incomplete coding of accounting information and duplication of clerical work.

To strengthen internal control, the certifying officer signing jury service warrants should review the supporting documentation for jury warrants, allowing at least a sample review to ensure that the warrants are properly prepared.

SUPPLEMENTAL INFORMAT.

Analysis of Jury System Activity - Anchorage  
Three Months Ending March 31, 1977

Information on how many people were involved in the jury process.

<u>Step 1: Questioning &amp; Qualification Stage</u>	<u>Three Month</u>	
	<u>Total</u>	<u>%</u>
Questionnaires Mailed	2900	100%
<u>Less:</u> People Not Reached (Note A)	1071	
People Excused (Note C)	<u>1019</u>	<u>72%</u>
People Qualified for Jury Service	810	<u>28%</u>
People Rescheduled From Other Months	<u>617</u>	
Total People Available to Serve	<u>1427</u>	
<u>Step 2: Summons &amp; Usage Stage</u>		
People Summoned for Jury Service	1427	100%
<u>Less:</u> People Excused/Rescheduled or Did Not Appear (Notes B & C)	<u>525</u>	<u>37%</u>
People That Appeared for Jury Service	<u>902</u>	<u>63%</u>
People Placed on a Jury	<u>540</u>	

Information on how people appearing for jury service were used by the Court System.

	<u>Total Number of</u>	
	<u>Times During These</u>	<u>Three Months</u>
		<u>%</u>
People Called in for Jury Service	4241	100%
<u>Less:</u> People Absent	453	
People Excused	<u>316</u>	<u>18%</u>
People That Appeared for Jury Service	<u>3472</u>	<u>82%</u>
People Placed on Jury Panels (Note E)	3472	100%
<u>Less:</u> People Not Used Because Jury Case Folded	<u>1657</u>	<u>48%</u>
People Sent to Courtroom for Trial	<u>1815</u>	<u>52%</u>
People Placed on Jury (Note D)	<u>797</u>	<u>22%</u>

Analysis of Jury System Activity - Anchorage  
Three Months Ending March 31, 1977

NOTES

(Note A) The people not reached are:

860 Questionnaires Returned by Post Office  
 211 Questionnaires Never Heard From  
1071 Total Not Reached

(Note B) The system loses track of people during this stage of the process. Follow-up is poor on those people that do not show up; some of them are excused or rescheduled. Only 190 of the 525 excusals were documented, the remainder could not be identified.

(Note C) People are excused during both phases of the Jury Selection Process. A total of 1209 (1019 in Step 1 and 190 in Step 2) were excused as follows:

Hardship	232
Out of State	233
Live Outside of Boundary	91
Medical	61
Child Care	61
Profession	58
Non-Resident	53
Rescheduled	322
Other	<u>98</u>
Total Excused	<u>1209</u>

(Note D) During these three months, the people appearing for jury service were used as such:

	<u>People</u>	<u>Percentage</u>
Not Placed on a Jury	362	40%
Placed on a Jury:		
One Time	326	36%
Two Times	175	19%
Three Times	35	4%
Four Times	4	1%
	<u>902</u>	<u>100%</u>

(Note E) During these three months the Anchorage Court System called in people for these jury cases:

	<u>Number of Cases</u>	<u>Percentage</u>
Cases Scheduled	204	100%
Cases that Folded	<u>95</u>	<u>47%</u>
Cases Sent to Court	<u>109</u>	<u>53%</u>



## Alaska Court System

State of Alaska

303 "I" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

November 22, 1977

Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Pouch W  
Juneau, AK 99801

Dear Mr. Wilkerson:

Attached is our response to your Preliminary audit of our jury selection process. We wish to thank you for your assistance.

Sincerely,

*Arthur H. Snowden, II*  
Arthur H. Snowden, II  
Administrative Director

Enclosures:

1. Response to "A Performance Review of the Jury Selection Process".
2. Juror Utilization in the Superior and District Courts, Anchorage, Alaska.
3. Alaska Court System Accounting Policy and Procedures Manual.
4. The Petit Jury System in Alaska, Part I.

## STATE OF ALASKA

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

## THE LEGISLATURE

FINANCE DIVISION  
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU 99801

October 25, 1977

OCT 25 1977

Mr. Arthur H. Snowden, II  
Administrative Director  
Alaska Court System  
303 "K" Street  
Anchorage, Alaska 99501

Dear Mr. Snowden:

Enclosed is a copy of our Preliminary Audit:

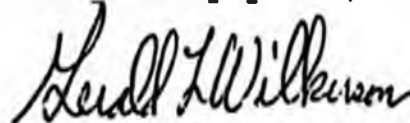
A Performance Review of the Jury Selection Process,  
The Alaska Court System

We request that you submit a written response to this report within thirty days. Your response will become an integral part of our final report. Please review the attached memorandum from Governor Hammond before transmitting your response.

This report is confidential in nature and is not for public release pending final review and approval by the Legislative Budget and Audit Committee.

Additional copies of this report have been distributed to the Governor and the Department of Administration for their review.

Very truly yours,



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

Enclosures

RESPONSE TO "A PERFORMANCE REVIEW OF  
THE JURY SELECTION PROCESS"

We began an internal audit of jury selection and management in the Alaska Court System the second week of March 1977. Our phase one report dealing with jury selection, qualification and payment is enclosed as Appendix 1. The phase two report on juror utilization is currently being typed. The phase three report on juror information requirements will be completed by the end of this calendar year. We will specifically address each of these recommendations. Part of our reply is based upon (1) a memorandum from the Presiding Judge of the Third Judicial District to the Administrative Director of the Alaska Court System (Appendix 2), and (2) a technical assistance visit report from Bird Engineering and Associates (Appendix 3).

Recommendation No. 1

The Court System is not using people's time efficiently. Better jury utilization should be the primary objective for the jury system; cost savings should result.

The Court System should address and improve the following conditions:

1. Improve the Calendaring Process - The Anchorage courts should determine why so many jury cases are folding and should consider staggering jury cases so unused people can be reassigned to later cases.
2. Require Better Attendance for Jury Panels - When 18% of scheduled jury panels do not come in, the system is forced to call in extra people.

3. Develop Standard Jury Panel Sizes - The best size for jury panels should be determined from courtroom experience. This standard size should be increased only when the judge feels more people are needed.
4. Develop an Acceptable Jury Usage Plan - The courts should be willing to accept minor delays in putting jury panels together when better jury usage will result.

Discussion: Thomas Munsterman of Bird Engineering investigated the folding case problem and found that it was caused by (1) last minute changes of plea on the part of the Public Defender, and (2) last minute dismissals by the District Attorney's office due to lack of sufficient prosecutor staff to handle scheduled trials. Both of these conditions are largely beyond the control of the courts. However, Anchorage's implementation of a 3:30 p.m. trial start time the day prior to calling in the jury panel should cause more cases to fold prior to calling in the panel. Some trials are now staggered in Anchorage.

Anchorage will be implementing a stricter excusal policy and followup on absent jurors upon implementations of the one-day one-trial test in Anchorage. In addition, both Anchorage and Fairbanks have reduced panel sizes to those recommended in our phase one report. Finally, the judges in Anchorage have agreed to accept a five percent delay factor in order to make jury utilization more efficient. This five percent figure is one commonly used by other jurisdictions and was recommended to us by Bird Engineering.

#### Recommendation No. 2

The Court System should develop written guidelines and instructions for its personnel responsible for selecting, processing, and paying jurors.

Discussion: A manual for jury clerks is being developed with two chapters already completed. This manual is forecast to be completed by the end of this calendar year. We will send you a copy when it is completed.

Recommendation No. 3

The Court System should prepare statistical reports on the jury system. Administration would then be in a position to evaluate how effectively the jury process is working.

Discussion: Our revised automated jury management system was implemented in October 1977. This system, in conjunction with reporting requirements contained in the above referenced jury clerk manual, will provide us with statewide statistics on juror usage. This automated system provides information on excusals and payment information that we have not had before.

Recommendation No. 4

The quality of information on the venire listing (statewide listing of people available for jury service) should be improved.

Discussion: A quarterly update of our venire list would increase data processing costs significantly. We did improve the currency of this year's addresses by the use of the AJIS name file. Finally, when we compared one month's Anchorage questionnaires to the Anchorage telephone directory, (see page 34 of the report in Appendix 1), we found only 47 of 301 (15.6%) with changed addresses. Thus the problem is primarily one of transience.

As for those people who "...were not eligible and should not have been on the list.", this is a classic problem when multiple source lists are used. If selection is restricted to only the voter registration list, then a high percentage of those on the list are eligible for jury duty. When you add other lists, the percent of

those eligible for jury duty decreases due to non-residency and other factors. Bird Engineering has judged our multiple list selection process to be among the best in the country. The cost of a few more questionnaires being sent out to those non-eligible persons is a small price to pay for this excellent selection process.

With our new system implemented in October, the jury venire file is updated for people serving, deceased, permanently handicapped, or with an address change.

#### Recommendation No. 5

The Court System should develop a flexible but consistent excusal policy from jury service. When the presiding judges are active in the jury qualification process, the system works better.

Discussion: Thomas Munsterman of Bird Engineering has recommended that we not tighten up our excusal policy until we make jury service less inconvenient to our jurors. As shown in Judge Moody's memorandum, (Appendix 2), a tighter and more consistent excusal policy will be implemented in January 1978 at the same time as the one-day one-trial policy is begun.

In addition, our jury clerk's manual will speak to statewide guidelines on excusal criteria and policy.

#### Recommendation No. 6

In the larger court districts such as Anchorage, the Court System should consider reducing the length of jury service. Cost savings and better citizen involvement could result.

Discussion: This recommendation was discussed by the areawide administrators and the Manager of Technical Operations in the March 1-4, 1977 Juror Usage and Management workshop conducted by the National Institute of Law Enforcement and Criminal Justice. It was

planned at that time to test a shorter period of service. This test was approved by the Supreme Court in September 1977 based on the recommendations of our phase one report (Appendix 1). Since then, Judge Moody has decided to go even further and test a one-day one-trial process beginning in January 1978. The delay to January is necessitated by the two-month lead time required to mail out qualifications questionnaires.

#### Recommendations No. 7

The payment process for jury duty should be improved and brought under control of a second party review.

Discussion: Jury accounting instructions have been developed (Appendix 4). In addition, we plan to have all payments processed through our new automated system for audit and control purposes. We began doing this for the Kodiak Court beginning in November. This was not a feasible concept until the implementation of our revised automated system in October. Now Administrative Accounting in Anchorage will function as a second party review. Our revised automated system produces reports more amenable to audit of our jury payment process.

# Memorandum

Alaska Court System

TO:

Mr. Arthur H. Snowden, II  
Administrative Director

DATE : November 1, 1977

FROM: Ralph E. Moody  
Presiding Judge 

SUBJECT: Proposed Jury  
Management System

Having had the opportunity to review several recent studies conducted by both Court System personnel as well as an outside consultant and the legislative auditor, Jim Arnold, Ted Moninski and I met last week to review some proposed changes to the jury management system at Anchorage. The following items represent an initial list of recommendations for changes to be implemented in Anchorage at the earliest possible time:

1. Continued progression from the original thirty day petit juror service period to the interim two week juror service period and finally to a one day/one trial system. The one day/one trial system would have qualified jurors on stand-by for increments of one week. During this week, jurors would call in to the Anchorage telephone message number. If called to duty, service would be limited to a single day of service or a single trial if actually impaneled. If not called to duty, jurors would continue to call in until the one week increment had expired. No further service would then be required of this juror. Under this system, jurors would continue to be eligible for service again in the future after the statutory one year period had elapsed.
2. The jury pay system should be amended to permit the payment of a \$5.00 stipend for parking in the event that a juror is called into the Court facility but is not actually seated on a jury. If seated, however, the juror would then be paid the established \$20.00 service fee.
3. In an effort to reduce the number of cases that do not go to trial after a jury has been called in, the District Court calendaring system should be amended to provide for actual trial start time in the afternoon prior to the scheduling of voir dire.

4. A new, strictly adhered-to excusal policy should be established as a result of the limited juror service being provided for citizens. The goal of this policy would be to excuse only those jurors who could demonstrate a bona fide emergency situation.

Included as part of this policy would be the restricted use of deferred juror service.

Also included in this policy would be the implementation of a follow-up procedure for jurors who are called in but fail to appear for jury duty. (i.e. supplemental summons, order to show cause, etc.)

5. The Court System should utilize an extensive mass media campaign to both inform the community of the specific changes that have been implemented as well as to elicit a desired response from prospective jurors.

While these recommended changes do not purport to resolve all issues regarding jury management in Anchorage, they certainly represent a radical change and improvement over past practices. In addition to the discussion noted above, these changes also have been briefly reviewed by Mr. Mel Martin, Manager of Technical Operations, who advises that there appears to be no technical difficulties in implementing these recommendations. It should be noted, however, that implementation of a one day/one trial system will generate a significant increase in administrative workload prior to jurors being called into the Court facility. Since it is anticipated that these proposed changes will result in not only an increase in juror convenience but also a real dollar savings to the Court System, it is further recommended that a liberal policy be established to permit the addition of needed resources in the office of the Jury Clerk to satisfy this increased demand.

Your favorable consideration of these recommendations would be appreciated.

REM:TSM/cl

**JUROR UTILIZATION IN THE  
SUPERIOR AND DISTRICT COURTS,  
ANCHORAGE, ALASKA**

**23 September 1977**

**Prepared by**

**BIRD ENGINEERING-RESEARCH ASSOCIATES, INC.  
Post Office Box 37, Vienna, Virginia 22180**

JUROR UTILIZATION IN THE  
SUPERIOR AND DISTRICT COURTS,  
ANCHORAGE, ALASKA

23 September 1977

1. INTRODUCTION

In developing a report on the jury system in Alaska, the Office of the Administrative Director gathered data on the utilization of citizens' time when called to serve the court in Anchorage.<sup>1</sup> The results show that in an effort to ensure that enough people are available for scheduled trial activity, the court calls in far too many. This is the classic juror utilization problem. Efficient management of the jury system is not easy; it requires an adaptive call-in procedure, the knowledge of past efficiencies, and the support of the court.

An efficient pool, as discussed in A Guide to Juror Usage,<sup>2</sup> productively utilizes the time of those called and results in more favorable attitudes toward the courts and the criminal justice system. An inefficient system causes citizens to withdraw from service (by excusal or simply by "not showing"), resulting in poor representation and, in extreme cases, an indefensible system. The waste of juror fees is also apparent to the taxpayers who serve.

The use of a juror pool offers four advantages over calling in a separate panel to each courtroom:

- (1) If a specific jury trial does not begin as scheduled, then the prospective jurors are available to other courts.
- (2) Since all voir dices will not occur simultaneously and all scheduled trials will not commence, then fewer people should be needed, with attendant economies.
- (3) Those persons challenged or not reached in a voir dire in one court can be made available for trial activity in others.
- (4) If the voir dire examination exhausts the number of people sent from the pool, the pool is a source of more prospective jurors.

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<sup>1</sup>"The Juror System in Alaska," Office of Administrative Director (in preparation).

<sup>2</sup>U. S. Department of Justice, LEAA, December 1974.

It appears that the Anchorage court has not been able to achieve these advantages. Recommendations for their achievement are the subject of this paper.

## 2. THE CURRENT SITUATION

The Anchorage court has provided a call-in system under which prospective jurors call in the evening prior to each day's service to find out whether they should appear. Because of the determination of whether a case will go to trial may be made at any stage of the case flow process, the panel needs may be unknown on the day prior to trial. The uncertainty causes the court to call in enough people to handle all expected trials. A great number of cases are resolved at the calendar call. Trials may not begin because of rescheduling, dismissals, settlements, and plea changes at the last moment when the parties come together for resolution, witnesses fail to appear, or there are not enough prosecutors or courts. Yet an exact determination of which trials will begin would require a massive diplomatic and time-consuming effort by the court.

For the first three months of 1977, the situation was:

- (1) During an average week, 318 persons were called in.
- (2) Of those called, 82% showed; the rest were absent. This high absentee rate reflects citizen withdrawal and should be examined.
- (3) Of those who showed up, only 58% went to a courtroom. It would be interesting to learn if these people not sent to a court for voir dire are the ones absent on subsequent days.
- (4) Of those sent to a courtroom 44% were selected to be jurors. This reflects the usual selection process.
- (5) A person seldom goes to more than one voir dire on a given day.

### 3. ANALYSIS

#### 3.1 Panel Sizes

In an efficient juror pool operation, the size of the panel sent to each court is nearly optimum; that is, it is just large enough to allow all challenges for cause and peremptory challenges. The analysis of felony trials in Anchorage indicates an average panel size of 33 persons, with an average of 16 persons for a six-member jury. Continuing the analysis to those "not reached" on each panel reveals that all needs for the first six months of 1977 would have been met by panels of 29 persons for felony cases and 14 persons for six-member juries.

The panel sizes of 14 and 29 persons represent savings of 2 and 4 persons per panel and at first may seem small. However, if all panels were so reduced, an annual savings of \$28,200 (at \$15 per juror day) would result.

This emphasizes the need for using optimal panels, with the understanding that some mechanism must be available for providing larger panels when required. This could easily be accommodated with prior notification using the code-a-phone, or by sending additional persons from the pool if the need occurs during voir dire.

#### 3.2 Number of Persons Needed

The jury trial records for the first quarter of 1977 were examined to determine the number of persons needed by the trials which started. The distribution by day of the week is shown in Table 1. As indicated, the need for jurors fluctuated widely on Mondays, Tuesdays, and Wednesdays. Any call-in based on the maximum number of people needed on previous days as given in this tabulation would bring in far too many jurors. This suggests that some adaptive call-in method should be developed.

Table 1. Distribution of Daily Juror Requirements in Anchorage Courts, 1st Quarter 1977

Number of Persons Needed	Number of Times Needed, by Day				
	Mon	Tue	Wed	Thu	Fri
0 - 10	2	1	3	7	10
11 - 20	1	-	-	3	-
21 - 30	2	2	2	1	2
31 - 40	2	1	1	-	-
41 - 50	1	2	1	-	-
51 - 60	1	1	2	1	-
61 - 70	1	-	2	-	-
71 - 80	1	2	1	-	-
81 - 90	1	1	-	-	-
91 - 100	-	1	-	-	-
> 100	-	1	-	-	-

### 3.3 Trial Rates

Prior to each jury trial day, the jury clerk learns the number of jury trials scheduled in the District and Superior Courts, and calls in enough people to provide the panels for these scheduled trials. Table 2 compares the number of jury trials scheduled versus the number which actually began, tabulated in number of days, during the first quarter of 1977.

Table 2. Panels Called vs Panels Used, 1st Quarter 1977

No. of Trials Started (Panels Used)	No. Days With Scheduled Cases (Panels Called) by No. Cases												
	Superior Court				District Court								
	0	1	2	3	0	1	2	3	4	5	6	7	
0	27	8	7	-	4	-	3	1	2	-	-	-	
1	-	7	1	1	-	8	1	3	3	1	-	-	
2	-	-	-	-	-	-	1	6	3	2	-	-	
3	-	-	-	1	-	-	-	3	4	-	-	-	
4	-	-	-	-	-	-	-	-	3	1	1	1	
5	-	-	-	-	-	-	-	-	-	1	1	-	

In the Superior Court, 37 cases were scheduled but 12 actually began. For the 15 days when one case was scheduled, none was begun on 8 days and the scheduled case began on 7 days. On one day three cases were scheduled and all began; otherwise only one or no case began. In the District court, the same type of situation is seen, suggesting that some guidelines might be developed to estimate the number of persons to call in.

### 3.4 Adaptive Call-In Rates

Based on the data in Table 2, the following ratio of cases scheduled and begun per day might be expected in the District Court:

<u>Number of Daily Trials</u>	
<u>Scheduled</u>	<u>Expected To Start</u>
1 . . . .	1
2 . . . .	1
3 . . . .	2
4 . . . .	3
5 . . . .	4
6 . . . .	4
7 . . . .	4

If this ratio had been used during the first quarter of 1977 to determine the number of people to call in, then on 40 of the 49 trial days there would have been enough prospective jurors to start all District Court cases simultaneously. The variation in the trial start times and the relatively short District Court voir dieres (one hour or less) would have compensated on the other 9 days. If the advantage of "re-using" people on a given day is to be achieved, it must be weighed against the necessity of starting all trials simultaneously.

Since there is an almost two-to-one ratio in Superior and District Court panel sizes (29 to 14), a call-in of 14 persons per unit might be tried with the above call-in table modified to call in two units any time a Superior Court jury trial is scheduled. For example, if four District Court cases and one Superior Court case are scheduled, the  $3 + 2 = 5$  units of 14 people, or 70 people, would be called in. This number should be increased on the basis of experienced yield to take into account the absentee rate.

### 3.5 Changes in Scheduling

If both Superior Court and District Court trials start in the morning, the chance of using a prospective juror more than once on any given day is nearly zero. District Court juries are usually chosen in an hour or less. Therefore, on a day when 3 units (or 42 people) are called in and 3 District Court trials are started in the morning, by noon 24 people would be available -- almost enough for a Superior Court felony trial panel. This suggests that improved juror utilization could be achieved by scheduling Superior Court cases in the afternoon, using the morning for pretrial motions, sentencing, or other judicial activities. In addition, there is a good chance that last minute settlement or plea changes in the morning might allow prospective jurors to be dismissed at noon.

Table 3 suggests call-in guidelines which might be used if the Superior Court cases were started in the afternoon. In the first quarter of 1977, the Anchorage courts used 107 panels (12 in the Superior Court and 95 in the District Court). If these guidelines had been in use during that period, the number of people called in would have been reduced by 42%, with a savings of about \$82,000 (at \$15 per juror day). It would have been necessary to wait a short time for about 5 of the 107 panels (or about 20 waits per year), representing a risk of 5% waiting. Most waits would have been in the morning in the District Court because of its greater trial activity, but would have been resolved by late morning.

Table 3. Suggested Call-in Guidelines  
(if Superior Court Cases Begin in Afternoon)

No. Scheduled Trials in District Court	Number Scheduled Trials in Superior Court		
	0	1	2
0	0	29	29
1	14	35	35
2	14	35	35
3	28	41	41
4	42	47	47
5	56	56	56
6	56	56	56
7	56	56	56

#### 4. PLAN OF ACTION

The foregoing analysis indicates that a better juror utilization rate and attendant financial savings would be achievable in the Anchorage courts by utilizing experience data to predict jury pool requirements with some accuracy, calling in only the number of people to fill those requirements, reducing panels to optimal size, and possibly rescheduling trial starting times. The Superior Court Administrator has taken the first step by obtaining approval to accept a 5% risk of having to wait for a panel.

To assist in achieving the potential operational efficiency, the following steps are recommended:

- (1) Examine recent data and formulate call-in guidelines which can be easily implemented by the jury clerk (see Table 3).
- (2) Establish recordkeeping to monitor the efficiency of the pool and to allow further refinements in the call-in guidelines. Records (daily) should include:
  - Number called in
  - Number appearing
  - Trials anticipated
  - Trials started
  - Peak demand for jurors (minimum in pool)
  - Number of waits
- (3) Reduce call-in to level determined in Step (1)
- (4) Review and report operation monthly to the court, using data from Step (2) to show:
  - Number called in
  - Percent absent
  - Minimum in pool
  - Number of waits
  - Recommended call-in adjustment

Also distribute this report to all those involved in the jury trial schedule uncertainty, such as District Attorney's Office, Public Defenders Office, and the Bar.

- (5) Increase accuracy of call-in guidelines by soliciting refined estimates of expected jury trial activity from calendar office and District Attorney's office. If predictions prove feasible, incorporate into call-in guidelines.
- (6) Examine absentee records to determine reasons. Call a sample of those absent if reason is not apparent.
- (7) Periodically review panel sheets to ensure that panel sizes are adequate.
- (8) Revise the call-in guidelines as needed.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-1**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

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**DEFINITION AND OVERVIEW**

Making jury system disbursements is defined as the process of issuing field warrants to pay jury costs. Jury costs are defined to include only those expenses that are necessary for the procurement and maintenance of jurors. Service fees, transportation, food and lodging are typical costs. All other costs of operating the courts are submitted to the Administrative Accounting Office for payment. The rate of payment for jury service is set by Administrative Rule 17.

Payments to jurors and vendors providing jury related goods and services are initiated by the submission of an approved attendance card or invoice to the bookkeeper. A jury service field warrant, which is similar to a check in its use, is used to pay jury costs. The maximum amount a warrant can be written for is \$500. Costs in excess of that limit must be submitted to the Administrative Accounting Office for payment. The \$500 limit allows the courts to pay the majority of their jury costs. Minor expenses of juries can be paid out of the court's petty cash fund rather than with a jury warrant. Certain expenses must be paid by the Administrative Office regardless of amount. Included in this category are the costs of hiring temporary bailiffs and interpreters. Employees of the State of Alaska are not paid for jury duty, except under certain circumstances. Nevertheless, they are paid for transportation and subsistence costs in accordance with the Administrative Rule 17.

In staffing the jury function, the primary goal is to segregate the major duties to the extent that no employee is involved in all phases of the process from beginning to end. In the typical situation one employee would be responsible for the approval of juror attendance cards and vendor invoices. Another employee would be responsible for the control and preparation of warrants, and a third employee would be responsible for signing jury warrants. Only designated employees, known as certifying officers,

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-2**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

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are authorized to sign jury warrants. The Administrative Accounting Office strictly controls the number of authorized signers. Court bookkeepers should not be certifying officers.

It is the policy of the court system to minimize the delay in payment of jurors and vendors. These payments must be made at least monthly. Some courts use the computerized jury disbursement system for issuing warrants. Regardless of payment method, the controls and procedures are the same.

Extreme care must be exercised in the preparation of field warrants. The warrants, after clearing the banking system, are entered into the State of Alaska's computerized accounting system. Errors in the preparation of warrants result in a delay in processing and a notification of the Administrative Accounting Office. In the event a warrant is lost after issuance, upon notification, the court must immediately issue a stop pay request. Warrants automatically become stale dated, that is void, ninety days after issuance. A stop pay should still be issued in this situation. Upon approval of Administrative Office a replacement warrant can be issued.

**FORMS USED**

The JURY SERVICE FIELD WARRANT is a four-part prenumbered form used for the purpose of making jury disbursements. The original is given to the payee. The duplicate (yellow) is the court copy. The triplicate (blue) is the Administrative Accounting Office copy. The quadruplicate (orange) is used in the computerized disbursement system.

The issuance of field warrant forms is tightly controlled. Procedures for requisitioning a supply of warrants is contained in the Section AF 3-1: Ordering Accounting Forms. The usage of warrants is monitored by the Administrative Accounting Office.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-3**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

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Quarterly, the courts are required to account for all warrants issued to them. Instructions for this are included in the procedural section entitled Summarizing Warrant Usage.

The STOP PAY REQUEST is a single part form used for the purpose of requesting the payor bank to dishonor the payment of a jury service field warrant. After preparation, the request is forwarded to the Administrative Accounting Office for processing.

The INTERPRETER FEES is a single part form used for the purpose of reporting interpreter hours. The form is sent to the Administrative Accounting Office for payment.

Samples of the completed forms are contained at the end of this section. Reference is made to these samples throughout this procedural section. It may be helpful to review the forms prior to reading the following instructions. More information on these and other forms is contained under the title of Ordering Accounting Forms.

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

PROCEDURE: JURY SYSTEM DISBURSEMENTS

SECTION: CD7-4

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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INSTRUCTIONS

1. Obtain and review the "JURY ATTENDANCE CARD" or "VENDOR INVOICE." (Exhibit, Section CD7-11)  
Determine that:
  - a. Each attendance card or vendor invoice is properly prepared and is approved by an officer of the court.
  - b. For vendor invoices, the goods or services have been received.
2. Segregate attendance cards for employees of the State of Alaska. State employees are not paid jury service fees except under special circumstances. They are paid transportation and subsistence costs.
  - a. Temporary status employees without jury leave benefits and permanent status employees on annual leave are paid for jury service.

(STEPS 3 THROUGH 5 ARE COURTS USING MANUAL PREPARATION OF WARRANTS)

3. Using the attendance card, calculate and enter on the card the total amount due to the juror for current service.
  - a. The service fees are \$10 for each half day and \$20 for each full day of service.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-5**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

- 
- (1) Half day service credit is earned for having to appear at the court-house either in the morning or afternoon.
  - (2) Full day service credit is earned for having to appear at the court-house both in the morning and afternoon.
- b. Transportation costs are paid at the rate of 12 cents a mile, if the juror's residence is more than 30 miles from the courthouse.
  - c. Cash expenses incurred by the juror for transportation must be supported by a receipt. Attach the receipt to the attendance card.
  - d. If the total amount due is more than \$500, send the documents to the Administrative Accounting Office for payment.
4. Using the lowest numbered "JURY SERVICE FIELD WARRANT" available, type in the applicable portions of the form using the information on the attendance card or invoice: (Exhibit, Section CD7-12)
- a. Dates and duration of service for jury fees or nature of expenditure and invoice number for vendor invoices. (A)
  - b. Total amount due. (B)
  - c. Accounting code and amount due under each code. (C)

6

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-6**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

- 
- (1) The numbers must be entered exactly in the spaces provided.
  - (2) For a listing of codes, see Exhibit, Section CD7-13.
  
  - d. Accounting total. (D)
  - e. Date the warrant is prepared. (E)
  - f. Amount paid. (F)
  - g. Name of juror or vendor. (G)
    - (1) The payee must be an individual or firm. Warrants must not be made payable to "CASH" or "BEARER."
  - h. Verify that the amounts entered under (B), (C), (D) and (E) agree.
5. Using an adding machine, add up and total the amounts to be paid on the attendance cards and vendor invoices. Then, add up and total the amounts paid on field warrant. The totals must agree. If not, compare the entries on the tapes with the cards, invoices and warrants until the error is found.
  6. Stamp each attendance card or vendor invoice with the paid/date stamp.
  7. Once the warrant has been completed except for the signature, submit the warrant and supporting attendance card or vendor invoice to the certifying officer for signature.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE:** JURY SYSTEM DISBURSEMENTS

**SECTION:** CD7-7

**LEVEL AFFECTED:** TRIAL COURTS -  
BOOKKEEPER

**EFFECTIVE DATE:**  
ORIGINAL RELEASE

- 
8. After receiving the voucher copies of the warrant, the card or invoice back from the certifying officer, separate the court copy of the warrant from the other copies. Then, file:
    - a. The court copy of the warrant in numerical sequence.
    - b. The attendance cards and vendor invoices in alphabetical sequence.
  9. Send the other copies of the warrant to the Administrative Accounting Office.
  10. If the warrant is improperly prepared or mutilated during preparation:
    - a. Write "VOID" across the front of the warrant in ink.
    - b. Cross out the signature block with ink.
    - c. Separate the court copy from the warrant and file in accordance with the instructions above.
    - d. Send the original and other copies to the Administrative Accounting Office.
  11. If a juror or vendor loses a warrant and requests a replacement warrant, a stop pay request must be prepared and time allowed for it to process prior to issuing the replacement warrant. Type in the applicable portions of the "STOP PAY REQUEST" for the lost warrant:  
(Exhibit Section CD7-16)
    - a. Date prepared. (A)

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-8**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

- 
- b. Warrant number. (B)
  - c. Date issued. (C)
  - d. Amount. (D)
  - e. Name of payee. (E)
  - f. Address of payee. (F)
12. Send the completed stop pay request to the Administrative Accounting Office for signature and processing. Indicate if a replacement warrant is requested.
- a. The Accounting Office will notify the requesting court when a replacement warrant can be issued.
13. If the warrant is no lost but merely stale dated or mutilated, obtain the warrant from the juror or vendor. A stop pay request does not need to be prepared. A replacement warrant may be issued immediately.
14. Submit the hours worked of temporary bailiffs to the Administrative Accounting Office. The standard court system timesheet should be used to report these hours. These disbursements are made through the State's payroll system.
- a. If the bailiff has not worked for the court before, submit the necessary hiring papers along with the timesheet.
15. The costs of court interpreters are paid by the Administrative Accounting Office.
- a. State purchasing regulations require individuals providing services to state agencies to have a valid Alaska Business License.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: JURY SYSTEM DISBURSEMENTS**

**SECTION: CD7-9**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

- 
- b. Interpreter fees are set by Administrative Rule 8.
- (1) The fees are \$15 per hour for each hour or fraction of an hour spent interpreting.
  - (2) Standby time (defined as time spent in court but not actually interpreting is paid at the rate of \$7.50 per hour or fraction thereof)
  - (3) The minimum fee is \$30 per day regardless of time spent interpreting or standing by.
  - (4) Interpreters are not paid for time during lunch breaks or other recesses of the court lasting over one half an hour.
16. Complete the applicable portions of the form "INTERPRETER FEES" in ink: (Exhibit, Section CD7-17)
- a. Court location. (A)
  - b. Case number. (B)
  - c. Name and address of interpreter. (C)
  - d. Interpreter's social security number (D)
  - e. Interpreter's business license number. (E)
  - f. Dates of appearance. (F)
  - g. Interpreting and standby time. (G)
    - (1) If possible list beginning and ending times for each category.

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

PROCEDURE: JURY SYSTEM DISBURSEMENTS

SECTION: CD7-10

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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- h. Total hours per day. (H)
  - i. Date and signature. (I)
17. Send the completed interpreter fee form to the Administrative Accounting Office for payment.
- a. A direct payment will be made to the interpreter.

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

EXHIBIT: JURY ATTENDANCE CARD/  
VENDOR INVOICE

SECTION: CD7-11

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**EXHIBIT: JURY SERVICE FIELD WARRANT**

**SECTION: CD7-12**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

STATE OF ALASKA		ALASKA COURT SYSTEM		CHECK # 41		072486		PAYABLE THROUGH THE B. M. BEHRENS BANK ANCHORAGE, ALASKA	
FIELD WARRANT (JURY SERVICE ONLY)		FW							
QUANTITY	DESCRIPTION	UNIT	PRICE	TOTAL					
(A)				(B)					
DEPT.	ACCOUNT	OBJECT	ACTIVITY	PROJECT	CONTRIBUTOR				
1			(C)		(C)				
2						(D)			
VENDOR NUMBER	INVOICE DATE	INVOICE NUMBER		TOTAL					
1									

① 252-000 ① 3000000000

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

EXHIBIT: ACCOUNTING CODES FOR  
JURY DISBURSEMENTS

SECTION: CD7-13

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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The accounting code for jury disbursements is divided into two components: (1) the location code and (2) the object of expenditure code. Listed below by court in alphabetical sequence are the location codes. Following that is a listing of object of expenditure codes:

<u>COURT</u>	<u>LOCATION CODE</u>
Anchorage Trial	41-65-1-310
Barrow Service Area	41-65-1-475
Barrow Trial	41-65-1-470
Bethel Service Area	41-65-1-465
Bethel Trial	41-65-1-460
Fairbanks Trial	41-65-1-410
Homer District	41-65-1-340
Juneau Trial	41-65-1-110
Kenai Trial	41-65-1-320
Ketchikan Trial	41-65-1-115
Kodiak Trial	41-65-1-315
Kotzebue District	41-65-1-220
Nome Trial	41-65-1-210
Palmer District	41-65-1-325
Petersburg District	41-65-1-130

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**EXHIBIT: ACCOUNTING CODES FOR  
JURY DISBURSEMENTS**

**SECTION: CD7-14**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

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<u>COURT</u>	<u>LOCATION CODE</u>
Seward District	41-65-1-330
Sitka Trial	41-65-1-120
Valdez District	41-65-1-335
Wrangell District	41-65-1-125
Other First Judicial District Courts	41-65-1-150
Other Second Judicial District Courts	41-65-1-250
Other Third Judicial District Courts	41-65-1-350
Other Fourth Judicial District Courts	41-65-1-450

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

EXHIBIT: ACCOUNTING CODES FOR  
JURY DISBURSEMENTS

SECTION: CD7-15

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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<u>EXPENSE DESCRIPTION</u>	<u>OBJECT OF EXPENDITURE CODE</u>
<u>Petit Jury Travel</u> : Includes the cost of transportation and subsistence for trial juries. Mileage, lodging, meals and transportation are typical charges.	294
<u>Grand Jury Travel</u> : Includes the cost of transportation and subsistence for grand juries.	295
<u>Coroner Jury Travel</u> : Includes the cost of transportation and subsistence for coroner and presumptive death juries.	296
<u>Other Jury Travel</u> : Includes the cost of transportation and subsistence for witnesses, expert witnesses, interpreters and other jury related travel not covered above.	293
<u>Petit Jury Fees</u> : Includes service fees for trial jurors.	371
<u>Grand Jury Fees</u> : Includes service fees for grand jurors.	372
<u>Coroner Jury Fees</u> : Includes service fees for coroner and presumptive death jurors.	373
<u>Witness Fees</u> : Includes appearance fees for witnesses and expert witnesses.	374
<u>Interpreter Fees</u> : Includes attendance fees for interpreters and translators.	375
<u>Other Jury Costs</u> : Includes costs related to juries not covered above. Other costs include jury room supplies, refreshments, subscriptions, cleaning services, etc.	379

ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

EXHIBIT: STOP PAY REQUEST

SECTION: CD7-16

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
Pouch C - Juneau, Alaska

Date: (A)

STOP PAYMENT REQUEST - STATE OF ALASKA WARRANT

TO: B. M. Behrends Bank, Juneau, Alaska  
National Bank of Alaska, Juneau Branch  
First National Bank of Anchorage, Juneau branch  
Treasury Division, Department of Revenue  
Pre-Audit Section, Division of Finance, Department of Administration  
Payroll Section, Division of Finance, Department of Administration

Stop payment order is requested on the following State of Alaska Warrant:

Payroll Series No. \_\_\_\_\_ General Warrant Series No. \_\_\_\_\_  
Gross Amount \_\_\_\_\_  
Net Amount \_\_\_\_\_  
Employee SSN \_\_\_\_\_ Field Warrant Series No. (B)  
Reissue Yes \_\_\_\_\_ No \_\_\_\_\_  
Issue Date of Warrant: (C) \_\_\_\_\_ Amount: (D) \_\_\_\_\_  
Payee: (E) \_\_\_\_\_  
Payee Mailing Address: (F) \_\_\_\_\_  
City and State: \_\_\_\_\_

The above warrant has been reported lost, stolen or undelivered. You are respectfully requested to take necessary action to stop payment on the above warrant and to return it to the payee.

Please hold this stop payment order for a period not to exceed six (6) months. If this matter is cleared during this time, you will be notified to cancel the stop payment order.

To the Payee: Please take notice of the above action. You are directed not to cash the State of Alaska Warrant reported above. A replacement warrant is in process for you. If the original warrant is located, it must be mailed immediately to: Director, Division of Finance, Department of Administration, Pouch C, Juneau, Alaska 99901.

Your cooperation will be appreciated.

For the Department Involved:  
Signature

For the Division of Finance:  
Signature



ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL

PROCEDURE: SUMMARIZING WARRANT USAGE

SECTION: CD9-1

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

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DEFINITION AND OVERVIEW

Summarizing warrant usage is defined as the process of reporting to the Administrative Accounting Office the numbers of all jury field warrants used by the courts during the most recent calendar quarter. The report must be submitted by the fifteenth day following the end of the quarter. The courts report the numbers of warrants on hand at the beginning of the quarter, warrants received and warrants issued during the quarter, and those on hand at the end of the quarter. The report is used to control and monitor the warrants issued to the courts. The Administrative Accounting Office is responsible for reporting warrant usage to the State's Division of Finance.

FORMS USED

The FIELD WARRANT USAGE REPORT is a single part form used for the purpose of accounting for jury warrants issued to the courts. The original of the report is forwarded to the Administrative Accounting Office.

A sample of a completed form is contained at the end of this section. Reference is made to this sample throughout this procedural section. It may be helpful to review the form prior to reading the following instructions. More information on this and other forms is contained under the title of ACCOUNTING FORMS.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

**PROCEDURE: SUMMARIZING WARRANT USAGE**

**SECTION: CD9-2**

**LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER**

**EFFECTIVE DATE:  
ORIGINAL RELEASE**

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**INSTRUCTIONS**

1. At the end of each calendar quarter, complete the applicable portions of the form "FIELD WARRANT USAGE SUMMARY" in ink: (Exhibit, Section CD9-3)
  - a. Date report is prepared. (A)
  - b. Court location. (B)
  - c. Calendar quarter ended date. (C)
  - d. Beginning and ending numbers of each block of warrants on hand (unused) at the beginning of the quarter. (D)
    - (1) This listing must agree with the numbers of warrants on hand at the end of the last quarter.
  - e. Beginning and ending numbers of each block of warrants received from the Administrative Office during the quarter. )
  - f. Beginning and ending numbers of warrants issued or voided during the quarter. (F)
  - g. Beginning and ending numbers of each block of warrants on hand (unused) at the end of the quarter. (G)
  - h. Sign the report. (H)
2. Submit the completed report to the Administrative Accounting Office within fifteen days of the end of the quarter.

**ALASKA COURT SYSTEM  
ACCOUNTING POLICY AND PROCEDURES MANUAL**

EXHIBIT: FIELD WARRANT USAGE SUMMARY

SECTION: CD9-3

LEVEL AFFECTED: TRIAL COURTS -  
BOOKKEEPER

EFFECTIVE DATE:  
ORIGINAL RELEASE

# Memorandum

Alaska Court System

TO:  Administrative Accounting Office  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

DATE: (A)

FROM: (B) (H)

SUBJECT: Field Warrant  
Usage Report

Summarized below is our usage of jury service field warrants for the quarter ended (C):

ON HAND BEGINNING OF QUARTER		RECEIVED		USED		ON HAND BEGINNING OF QUARTER	
From	To	From	To	From	To	From	To
(D)		(E)		(F)		(G)	