

CRIMINAL QUESTIONNAIRE / STANDARD PANEL SIZE

Submitted by Sabra Forbes, Solano

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Our Court, like many of yours, is looking for ways to save jury cost. A couple of suggestions have come up regarding criminal juror questionnaires and standard panel sizes.

1. Juror Questionnaire:

Does your court use a criminal questionnaire? If so, when is the questionnaire completed by jurors – during orientation process or just before jurors go into courtroom(s)? Attached is a sample of Solano’s standard criminal questionnaire (2-part, NCR paper) – used by the majority of our trial departments. Our current practice requires jurors to complete the questionnaire as part of jury orientation. Jurors keep the questionnaire in their possession and IF the trial(s) proceed, the questionnaire is used in court to expedite voir dire. If trials don’t proceed, and many don’t, the questionnaire is shredded – big waste.

2. Standard Size Panels:

Do you have a standard practice re: jury panel sizes? If so, please share what the standard panel sizes are?

1	Arlene Cervantes	Riverside we only use juror questionnaires as the exception and for mainly high profile cases or if needed for long cause trials. We do have a juror panel size guideline policy that our judges use, and is followed in our court as a best practice. See Riversides policy below for your reference.
2	Diana Gifford-Tuggle	Shasta County uses questionnaires only on high profile cases. As with Riverside, we use basically the same panel size guideline per the case type.
3	Debra Cravea	Our Court, like many of yours, is looking for ways to save jury cost. A couple of suggestions have come up regarding criminal juror questionnaires and standard panel sizes. Juror Questionnaire: 1. Does your court use a criminal questionnaire? If so, when is the questionnaire completed by jurors – during orientation process or just before jurors go into courtroom(s)? Attached is a sample of Solano’s standard criminal questionnaire (2-part, NCR paper) – used by the majority of our trial departments. Our current practice requires jurors to complete the questionnaire as part of jury orientation. Jurors keep the questionnaire in their possession and IF the trial(s) proceed, the questionnaire is used in court to expedite voir dire. When trials don’t proceed, and many don’t, the questionnaire is shredded – big waste.
4	Deb Preston	Marin, juror questionnaires are used rarely, and only in lengthy or high-profile cases. Our standard panel size is 45-55 for misdemeanors and 60-65 for felonies with an estimated trial length of 5 days or less. In longer trials, the court will request a certain number; typically, the maximum that the courtroom will hold.
5	Shana Simpson	Sacramento is the same as far as the questionnaires go, and we do not have a standard practice re: panel size.
6	Nellie Jaime	San Bernardino - Usually we use the questionnaire for DP’s only. But just last week we had a MDSO case where the judge used a questionnaire and there have been some instances where civil judges use questionnaires. But not too often.

RIVERSIDE POLICY

It is the policy of this court that jurors be summoned and utilized in accordance with the recommendations set forth herein. This policy contains recommendations developed by the court’s Jury Committee with the intention of maximizing juror satisfaction and minimizing the potential of exhausting the potential juror pool in a given year. While each judicial officer may exercise his or her discretion to call a different number of jurors as set forth in Paragraph III (3), it is strongly recommended that the panel sizes set forth herein be utilized in the first instance absent some extraordinary circumstance requiring deviation.

I. BACKGROUND

Recent studies of jury operations suggest that people are most satisfied with jury service when they actually participate in the proceedings. Those who participate in voir dire or who are sworn as trial jurors tend to have the highest level of satisfaction. The best practice is to summons the number of jurors needed to adequately serve trial departments, and to adjust the size of the panel to the variables of the case. Summoning too many individuals deprives jurors of participation in the jury trial process. It has become apparent that if our court does not make changes in how it summons jurors, the court will run the risk of exhausting the potential juror pool in a given year.

II. GUIDING PRINCIPLES

Juror Availability: The number of jurors available each day will vary based on juror usage patterns. Jury staff will manage juror utilization, carefully seeking to provide each trial department with jurors when needed and complying with the recommended panel sizes included in this policy. Juror Summoning and Utilization

Reutilizing Jurors: In keeping with the one-day/one-trial system, judges are encouraged to send jurors to multiple trial departments (i.e., reutilize them) on their first day of service (if they are needed in another courtroom) because jurors cannot be used again after their first day of service. Jurors will not be asked to report on a second day unless they are sitting in a trial department for jury selection. Sending jurors excused from one courtroom back to the jury room for assignment to another courtroom makes full use of those who are present and allows the court to operate with fewer summoned jurors. This practice also reduces the number returning to court for a second day.

Hardship Excuses: It is suggested that the trial judge screen jurors for hardships early in the jury selection process. This increases the number of jurors available for assignment in other departments and in some instances, reduces the length of service for jurors. First day jurors excused during jury selection should be excused from the department only and are available for reassignment to another trial department as long as panels are going out to courtrooms that day.

Management of the Juror Pool: In collaboration with the Presiding Judge or his/her designee (supervising judge), the court's jury staff will manage the juror pool in the interest of maximizing juror utilization and minimizing the length of service for jurors. Using jurors fully on their first reporting day is preferred, while minimizing the number returning for second or subsequent days. The staff will keep the Presiding Judge or his/her designee (supervising judge) apprised of any potential problems or issues.

III. PARAMETERS

Judges are urged to use the lower end of the range in Section IV whenever feasible.

The higher end of the range is intended to meet the needs of cases that may require more jurors, e.g., domestic violence, sexual assault, child abuse, multi-defendant cases, DUI, drug-related charges, etc.

Exceptions to the panel sizes (other than as outlined in these guidelines) are expected. When the trial judge must exceed the recommended panel size, the judge should notify the Presiding Judge or his/her designee (supervising judge) and provide the reason(s) for such action. Prior approval is not required.

Judges should send jurors back to the Jury Room after excusal from the courtroom.

In small court facilities where jurors routinely have been used in only one department or split between two departments, small variations to panel size ranges are acceptable in allocating jurors to trial departments considering the following:

- a. The likelihood of more jurors being needed in one department than another based on case-related factors (e.g., case type, length of trial, etc.).
- b. Interest in exposing jurors already in attendance to jury selection rather than leaving a small number to wait in the jury room.
- c. Likelihood of a jury panel exceeding established panel size needing to return for a second or subsequent day. Jurors are paid beginning the second day of service.
- d. The number of jurors summoned is intended to serve the needs of all trial departments while considering costs and impact on jurors. Occasionally, it may be necessary to economize on jurors to supply multiple trial departments. Jury staff will work with trial judges, department staff, and the Presiding Judge or his/her designee (supervising judge) to set priorities and manage resources in instances when economizing on jurors is necessary.

IV. RECOMMENDED PANEL SIZES CASE TYPE	PANEL SIZE
Exceptional 1	As Needed
Felony – Serious 2	50-75
Felony	35-50
Misdemeanor	30-45
Civil – 4 days or less	30-40
Civil – 5 to 10 days	40-50
Civil – 11 days or more	50-60