



NEW YORK STATE UNIFIED COURT SYSTEM

Best Practices *for* Jury System Operations

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Introduction

A ‘Best Practices Guide for Jury System Operations’ was previously published in 2009. It has been completely revised and updated in 2018 as an interactive online resource to be updated as appropriate. This new guide aims to assure consistency in New York State’s 62 Commissioners of Jurors’ application of the law regarding qualification and summoning of jurors, while encouraging operational improvements that enhance efficiency and are juror friendly.

The framework for New York State Jury System operations begins with 12 Principles that define operational goals. These Principles are implemented through Policies and Practices. Policies are articulated in statutes, rules, and opinions of counsel and administration. Practices clarify commissioners’ duties and areas of discretion and specify how principles and policies are implemented¹.

This guide is a reference and resource for New York State Commissioners of Jurors and their staffs. Judges and administrators whose work involves juries are encouraged to use this resource and to become familiar with the steps followed by Commissioners of Jurors in assuring that they are providing qualified jurors to the trial courts.

Centralized Jury Management

All 62 Commissioners of Jurors participate in a modern centralized Jury Management System, known as JMS2, implemented in 2017. This system (which replaced a system originally designed in the 1980s) assures technical consistency across the state with respect to qualification, summoning, postponement, excusal and preliminary procedures for questionnaire and summons noncompliance. JMS2 implements policies and practices consistent with statutory and regulatory requirements of the Judiciary Law (Article 16, Sections 500-528), Rules of the Chief Administrative Judge, Rule 128, and counsel opinions and administrative policy memos.

Commissioners of Jurors exercise discretion to implement practices consistent with local resources and needs in accordance with statewide principles, policies, and practices.

¹ VIDEO outlining the difference between Law, Rule, Policy and Practice

Two-Step System for Qualification and Summoning

The New York State Unified Court System uses a two-step system for qualifying and summoning jurors. The first step is juror qualification accomplished through completion of qualification questionnaires by potential jurors. The second step is summoning qualified jurors to serve.

Questionnaires and summonses are delivered to prospective jurors by First Class Mail. Mailings are requested by Commissioners of Jurors through JMS2. These requests are communicated via web service to an outside vendor which prints and mails all questionnaires, and summonses and noncompliance documents.

Through all steps of this process, all potential juror and juror records be kept confidential. Judiciary Law requires that the information never be disclosed outside the Jury Division other than by order of a court of the Appellate Division. [Section 509](#)

Qualification

To qualify for jury service, potential jurors complete Qualification Questionnaires which are reviewed by the Commissioner of Jurors. Qualifications are the same for trial and grand jurors. These qualifications are specified in the Judiciary Law: US citizenship, residence in the county, age 18 or older, ability to understand and communicate in English, and no prior felony conviction. (Persons who hold a Certificate of Relief from Civil Disabilities or a Certificate of Good Conduct are qualified to serve.) [Section 510](#)

Once a year, the Unified Court System requests lists from five New York State agencies. These lists are used to randomly select names and addresses of potential jurors to whom questionnaires will be mailed. The Jury Support Office receives from each agency a data file containing all people in the agency's file as of the date the list is supplied. The file contains name and address for each person on the list. The five lists are:

1. Department of Taxation and Finance: NYS tax filers
2. State Department of Labor: Persons receiving unemployment insurance
3. Office of Temporary and Disability Assistance: Persons receiving home relief or aid to families with dependent children
4. Department of Motor Vehicles: Persons holding drivers' licenses or DMV-issued identification
5. Board of Elections: Registered voters

From these lists, a new "reconstituted" list is created of persons to whom qualification questionnaires may be sent at random.

The five source lists are processed by an outside vendor, as follows:

- merging the records from all five lists into a single file;
- removing duplicates;
- eliminating records of persons who are under 18 or who live outside of New York State;
- suppressing records that match records currently “active” in JMS2; and,
- providing the remaining file to the Jury Support Office.

In addition to the names on these lists, individuals who meet statutory qualifications for jury service can volunteer to be included in the pool of people available to be summoned by completing an online volunteer questionnaire. Completed volunteer forms are reviewed to determine qualification status.

Every 90 days the entire list is subjected to the U.S. Postal Service address cleansing procedure which updates or eliminates outdated addresses.

Individuals are electronically selected at random, within their county of residence, to be mailed questionnaires upon request of the Commissioner of Jurors. Questionnaire responses are reviewed to determine qualifications. A follow-up questionnaire notice is automatically sent to any potential juror who fails to respond to a questionnaire; failure to respond to the first follow-up notice will result in automatic mailing of another follow-up notice. Each Commissioner of Jurors determines whether to increase the number of follow up notices to be mailed – from the automatic two follow-ups to a total of five -up notices. The final questionnaire is always a ‘noncompliance questionnaire’², also referred to as a subpoena, requiring response by the juror within 20 days. Each Commissioner of Jurors decides what action to require of noncompliance questionnaire recipients – including personal appearance³ email, phone or regular mail response.

Summoning

Randomness of summoning is maintained by mailing summonses to qualified jurors in the same order in which each one was randomly mailed an initial questionnaire. Volunteers are summoned in date order of qualification. A qualified juror who is not summoned within 18 months become eligible to receive a new qualification questionnaire.

² VIDEO describing noncompliance questionnaire choices and how to adjust your preference

³ VIDEO describing benefits of holding noncompliance hearings with the COJ in person at the questionnaire level

A summoned juror who fails to respond to two consecutive summonses receives a Summons Notice of Noncompliance warning that a judgment may be imposed for failure to appear and requires a response within 21 days of receipt. [Judiciary Law Section 527](#) Each Commissioner of Jurors determines what response to require from Notice of Noncompliance recipients and any follow up action to take in the event of non-response to the notice.

Postponement

Postponement is an amenity provided by statute, given only in response to a summoned juror's request. A first postponement, to a date within six months of the initial summons date, is granted automatically with no reason or explanation required. A summoned juror may request a first postponement by phone, mail, online, or in person. A postponement must be juror initiated. [Judiciary Law Section 517](#)

Subsequent postponements may be granted by the Commissioner of Jurors only upon a juror's request. Up to a total of three postponements not to exceed 18 months, absent extraordinary circumstances, may be granted. The Commissioner of Jurors may request appropriate proof in support of additional postponement requests.

Excusal

Jurors unavailable to serve for more than 18 months may be excused; typically, an excusal lasts for 24 months. An excused juror is ineligible to receive a summons or questionnaire. Excusal is granted, by the Commissioner or by the court, after review of acceptable proof or documentation. Although most often given after a juror has been summoned, the Commissioner may grant an excusal when a prospective juror returns a qualification questionnaire with acceptable proof or documentation.

A permanent medical excusal can be given if the facts surrounding the request are of a permanent nature.

Operational Efficiency and Juror-Friendly Practices

Communication, courtesy and ease of access are key tools for the smooth operation of a jury system. Regular communication with part clerks, judges, and town and village courts, assures an adequate supply of qualified jurors as needed. Prompt response to juror inquiries, timely processing of juror requests and paperwork, and courteous and respectful treatment of persons who appear to serve or to request postponement or excusal assures the best public response to the court system.

Jury service is an obligation that all eligible citizens are expected and encouraged to fulfill.⁴ Commissioners of Jurors and their staffs can make fulfilling that obligation a worthwhile and rewarding experience for members of the public. Commissioners, their staff, and the public all play key roles in assuring that litigants feel they have been treated fairly in the justice system.

⁴ VIDEO on strategies for community outreach

Principles

New York State Unified Court System Jury System Operations

1. Policies and Practices of New York State Commissioners of Jurors are consistent with [New York State statutes](#) regarding Selection of Jurors, the [Uniform Rules for the Jury System](#), and counsel opinions and administrative policy memos interpreting and applying the statutes and rules.
2. Every person who meets the qualifications for jury service in New York State must have an equal opportunity to serve as a juror.
3. Juror qualification questionnaires are sent to a randomly selected representative cross-section of the county's population.
4. Jury service should be as infrequent as possible for as short a period as possible with in-person service consisting of one day or one trial.
5. Jurors are summoned to serve as "standby" jurors until they are required to appear in court.
6. Jurors summoned to countywide courts who serve on standby receive the same period of ineligibility as those who are required to appear – a minimum of six years. [Judiciary Law Section 525](#)
7. Postponement is an amenity offered to jurors, for a period of up to 6 months, to encourage participation, given in response to summoned juror requests. [Judiciary Law Section 517](#)
8. Excusal removes a juror from eligibility to serve or to receive a qualification questionnaire and is given only to jurors who supply proof that they are unable to serve for more than 18 months. [Judiciary Law Section 517](#)
9. Encouraging juror participation includes reasonable noncompliance procedures, applied to all potential jurors who do not respond to questionnaires or to summonses.
10. Juror friendly practices that enhance juror comprehension and make jury service convenient and efficient for jurors also enhance litigants' fair trial rights.
11. Commissioners of Jurors maintain communication with county, supreme, local and justice court personnel to maximize efficient and effective juror utilization.
12. The Jury Support Office provides leadership, training, policy direction, development of practice tools and day-to-day technical and operational support to New York State's Commissioners of Jurors.