

Attachment I

Juror Engagement & Participation

Studies have focused on the causes and negative consequences of non-representative juries, including:

- Shamena Anwar et al., Unequal Jury Representation and its Consequences (Nat'l Bureau of Econ. Rsch., Working Paper No. 28572, 2021);
- Thomas Ward Frampton, For Cause: Rethinking Racial Exclusion and the American Jury, 118 Mich. L. Rev. 785 (2020);
- Mary R. Rose et al., Jury Pool Underrepresentation in the Modern Era: Evidence from Federal Courts, 15 J. Empirical Legal Stud. 1 (2018).

And the importance of accessible jury selection data is explained in:

- Nina Chernoff, No Records; No Right: Discovery & the Fair Cross-Section Guarantee, 101 Iowa L.R. 1719;
- Catherine M. Grosso & Barbara O'Brien, A Call to Criminal Courts: Record Rules for Batson, 105 Kentucky L.J. 651 (2016-2017);
- Liz McCurry Johnson, Accessing Jury Selection Data in a Pre-Digital Environment, 41 Am. J. Trial Advoc. 45 (2017).

One source of juror exclusion is disqualification from service based on a criminal conviction. James M. Binnall argues in favor of rethinking felony disqualification in Twenty Million Angry Men: The Case for Including Convicted Felons in Our Jury System (2021).

And the following Prison Policy Initiative materials, available at <https://www.prisonpolicy.org/reports/juryexclusion.html>, reveal that New

Jersey is among the five states with the most stringent disqualification policies:

50 States: What triggers exclusion from serving on a jury?

Current incarceration	Current incarceration & some past felony convictions	Current incarceration & all past felony convictions	Current incarceration, all past felony convictions, & some past misdemeanor convictions
<p>No legal exclusion, but incarcerated jurors excused Maine</p> <p>No exclusion after incarceration ends Indiana North Dakota</p> <p>No exclusion after incarceration ends (although attorneys may request dismissal by the court) Colorado Illinois Iowa</p>	<p>Forever Alabama</p>	<p>Forever Arizona Arkansas Delaware Florida Georgia Hawaii Kentucky Louisiana Michigan Mississippi Missouri Nebraska New Hampshire New York Oklahoma Tennessee Utah Vermont Virginia West Virginia Wyoming</p> <p>For a fixed period of time Connecticut District of Columbia Kansas Massachusetts Nevada</p> <p>Until sentence completed (including parole and probation) Alaska California (certain offenses lead to permanent exclusion) Idaho Minnesota Montana New Mexico North Carolina Ohio Rhode Island South Dakota Washington Wisconsin</p>	<p>Forever Maryland New Jersey Pennsylvania South Carolina Texas</p> <p>For a fixed period of time Oregon</p>

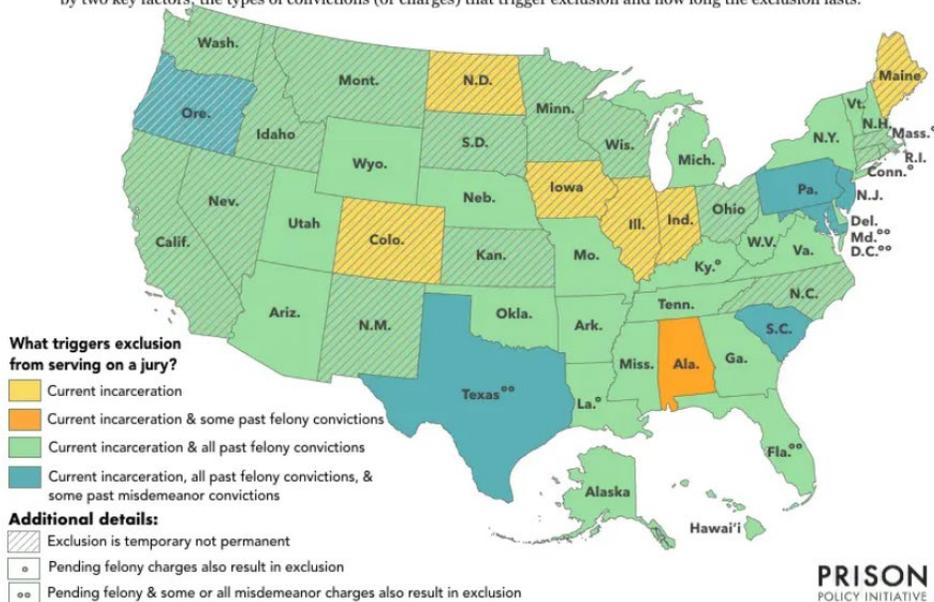
Pending criminal charges also result in exclusion

Connecticut, Kentucky, Louisiana, and Massachusetts also exclude anyone currently facing felony charges. Florida, Maryland, Texas, and D.C. also exclude anyone currently facing felony charges or facing (some or all) misdemeanor charges.

Table 1. This table (which focuses on trial or "petit" juries; "grand" juries, which examine the validity of accusations before trial, often have different rules) was compiled through our own legal analysis and interviews with court staff in numerous states, but it also benefited from reference to several great resources, including the Restoration of Rights Project's [50-State Comparison](#), the [National Inventory of Collateral Consequences of Conviction](#), and [this 2004 article](#) by Professor Brian Kalt. To be sure, many states have rights restoration processes (e.g., executive pardons, expungement) that can restore rights to individuals who would otherwise be barred, but such relief is generally rare and therefore not addressed here. For other nuances, exceptions, and the relevant statutes for each state, see our [appendix table](#).

Every state has some form of jury exclusion

State laws barring people with criminal convictions—or pending charges—from serving on juries vary greatly by two key factors; the types of convictions (or charges) that trigger exclusion and how long the exclusion lasts.



The state laws that bar people with criminal convictions (or pending criminal charges) from serving on juries are complex. In Arizona, for example, exclusion becomes permanent upon conviction of a second felony; in Nevada, the duration of exclusion is different for civil and criminal jury service; and in Iowa, automatic exclusion ends when incarceration ends, but attorneys may ask judges to dismiss potential jurors because of prior felony convictions (no matter how old the conviction). For more detail, see our [appendix table](#).

As the Prison Policy Initiative explains, see *ibid.*,

[J]ury exclusion statutes contribute to a lack of jury diversity across the country. A 2011 study found that in one county in Georgia, 34% of Black adults -- and 63% of Black men -- were excluded from juries because of criminal convictions. In New York State, approximately 33% of Black men are excluded from the jury pool because of the state's felony disqualification law. Nationwide, approximately one-third of Black men have a felony conviction; thus, in most places, many Black jurors (and many Black male jurors in particular) are barred by exclusion statutes long before any prosecutor can strike them in the courtroom.

The Prison Policy Initiative lauds California's recent legislation "largely ending the permanent exclusion of people with felony convictions" and urges that "[o]ther states can and should follow suit." The organization recommends other reforms as well, including "draw[ing] potential jurors from [sources beyond voting rolls]"; "more frequent address checks to decrease rates of undeliverable jury notices"; or "requir[ing] that a replacement summons be sent to the same zip code from which an undeliverable notice was returned." Ibid.

The Prison Policy Initiative also notes that “Louisiana recently increased jury compensation, a small change that the American Bar Association notes makes it possible for “a broader segment of the population to serve.” (links omitted).

Juror compensation levels are a potential avenue of exclusion, as the Supreme Court of Washington observed in Rocha v. King County, 460 P.3d 624, 635 (Wash. 2020). The Rocha Court found, in response to a class action challenging juror compensation, that the jury service statute’s provision that “[a] citizen shall not be excluded from jury service in this state . . . on account of economic status” did not create a cause of action, but elected to

take this opportunity to comment that low juror reimbursement is a serious issue that has contributed to poor juror summons response rates. The concerns raised by amici and petitioners as to the impact of low juror reimbursement on juror diversity, low-income jurors, and the administration of justice as a whole are valid points. While we should continue to cooperate with the other branches of government in an effort to address the long-standing problems identified by petitioners and amici, these concerns are best resolved in the legislative arena.

Sonali Chakravarti argues in favor of increased juror compensation and other reforms in Radical Enfranchisement in the Jury Room and Public Life (2020). Dr. Chavravarti also emphasizes the civic importance of jury service.

The Juror Project aims to promote responsiveness to jury summons. As founder William Snowden explains,

The Juror Project (has) two main goals. The first goal is to increase diversity of the jury panels. The second is to improve people’s perspective of jury duty because not everybody loves jury duty. Many people try to get out of jury duty. What this project is trying to do is to remind the community of the power that we have in that jury deliberation room. It was a power given to us for a reason -- to keep the system honest, to keep the system fair.

Anitra D. Brown, Local Public Defender Looks to the Jury Box for Criminal Justice Reform, The New Orleans Tribune, <https://theneworleanstribune.com/local-public-defender-looks-to-the-jury-box-for-criminal-justice-reform/>.



THE JUROR
PROJECT

www.thejurorproject.org

thejurorproject@gmail.com

   [@jurorproject](https://twitter.com/jurorproject)

What is a **critical** yet commonly **overlooked** piece in our justice system? **THE JURY SELECTION PROCESS**

Today's juries lack diversity. Not just diversity in color, but also diversity in thought and socioeconomic background. This is partially due to the strategic removal of minority groups from juries during the selection process, as well as cultural misconceptions about jury duty that discourages participation. Our mission is to affirm the power community members have as jurors.

The Juror Project is a direct response to the lack of diversity present on juries and the negative stigma associated with jury service. To combat these issues, The Juror Project invites you to support us in creating more informed juries that are representative of the communities they serve. Learn how you can host our next discussion panel.

Change begins with you.

OUR IMPACT ON JURIES



More objective decision making during deliberation



Produce more informed, unbiased trial outcomes



Decrease controversial acquittals

