



## Jury Administrator Roundtable

Court Personnel Conference  
July 12, 2014

Presented by: Hon. Maria Granger, Michelle Goodman,  
Jill Russell

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## Audience Participation is Key

- First exercise



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## Disclaimer



- Your judges set policy for your courts.
- We're going to offer some approaches on how to handle juror communications based upon our experiences and knowledge of the law.
- **Before you take an approach your judges have not already approved, please discuss the approach with them.**
- We are providing our contact information in case any of your judges would like to ask us about our comments today.

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**Session Objectives**

- Provide information and resources to assist jury administrators
- Communicate best practices and facilitate sharing of local practice
- Address questions and concerns from administrators

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**Situation**

- Video

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**What would you do?**

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### References

- IC 33-28-5-24.3
- IC 34-28-4-1
- IC 35-44.1-2-11



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### Policies & Procedures

- Jury Plan
  - Statutory requirement – IC 33-28-5-12

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### Discussion time

- What type of personal juror information is on the questionnaire?
- What information do you provided to the parties prior to trial?
- When do you provide it?
- What are your policies on returning questionnaires to the court?

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### Policies & Procedures

- Juror Privacy
  - Jury Rule 10 & Administrative Rule 9



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### Policies & Procedures

- Juror Accommodations
  - Jury Rule 4 & 5

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### Haven't seen this in a while

- Grand Juries
  - Jury Rule 1- says Jury Rule 2-10 apply to grand juries
  - IC 35-34-2
    - IC 35-34-2-3 – procedures same as petit jurors under IC 33-28-5

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### Situation

- Video

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### What would you do?

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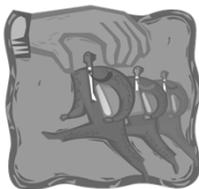
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### Not enough jurors, oh what should I do

- Jury Pool considerations
- Jury Panel considerations



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**Situation**

- Video

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What would you do?

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Missing mail? Missing jurors?  
Follow-up is the answer

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### Say What?



- Sam has been selected to serve as a juror on a three day trial. On day two Sam tells you that he knows one of the witnesses and he said the name didn't ring a bell with him yesterday during jury selection.
- What do you do?

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### Basics

- You should never talk with jurors about the case.
- If jurors ask questions about the case, you should let them know you can't answer the question, but you will forward the question to the judge.
- You should always require jurors to put their questions in writing for the judge to review.
- If you say something you shouldn't have by mistake or if you said something that you're not sure was appropriate, let your judge know immediately.
- Communication is not just verbal. Nodding, shaking, pointing, grimacing, smiling may count.

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### Quick Reminders & Refresher

- Pool contains under-aged people
- Right to vote revoked
- Jury Pool – Master list/JMS information
- Jury Compensation – IC 33-37-10-1

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## Resources

- Indiana specific resources – handout in your materials
  - Michelle Goodman, Indiana Judicial Center/State Court Administration/Office of Judicial Administration
    - [Michelle.goodman@courts.in.gov](mailto:Michelle.goodman@courts.in.gov)
  - Jill Russell, Trial Court Technology
    - [Jill.russell@courts.in.gov](mailto:Jill.russell@courts.in.gov)
- Jury Committee
  - Judge Maria Granger – Floyd Superior Court # 3, current chair
- National Center for State Courts
  - Jury Management - <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Jury-management.aspx>
  - Center for Jury Studies - <http://www.ncsc-jurystudies.org/>

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**Before you take an approach your judges have not already approved, please discuss the approach with them.**

Thank you for your participation today and for all your hard work on behalf of the judiciary!



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## Jury Administrators Roundtable Handouts

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## The Official Website of the City of Indianapolis and Marion County

IndyGov (/Pages/Home.aspx) > Local Government (/eGov/Pages/home.aspx) > Courts (/eGov/Courts/Pages/home.aspx) > Jury Pool (/eGov/Courts/JuryPool/Pages/home.aspx) > **Interference**

### **IC 35-44-3-10**

#### **Interference with jury service**

Sec. 10. A person who knowingly or intentionally:

- (1) dismisses his employee;
- (2) deprives his employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a summons, served as a juror, or attended court for prospective jury service commits interference with jury service, a Class B misdemeanor.

**As added by Acts 1977, P.L.26, SEC.20.**

### **Civil Action for dismissal from employment**

#### **IC 34-28-4**

##### **Chapter 4. Remedies for Improper Dismissal From Employment Because of Court Attendance**

#### **IC 34-28-4-1**

##### **Civil action for dismissal from employment**

Sec. 1. A person who is dismissed from employment in violation of IC 35-44-3-10 may bring a civil action, within ninety (90) days of the dismissal, against the employer who dismissed the person:

- (1) to recover the wages the person lost as a result of the dismissal; and
- (2) to obtain an order requiring reinstatement by the employer.

If the person obtains a judgment against the employer, the court shall award a reasonable attorney's fee to the person's attorney.

*As added by P.L.1-1998, SEC.24.*

**To: Person called to Serve or Appear in Orange Circuit Court for Jury Duty:**

**Serving as a juror is an important and awesome responsibility. Free people living in a democratic society have no greater honor. Being a juror is a privilege and is the basis of our legal system. I am grateful for your sacrifice and honored by your service.**

**Such responsibility must not be taken lightly. No party, person nor employer has the right to prevent you from fulfilling your duty as a juror. You may not be threatened with termination, economic hardship nor deprived of benefits for answering this call to duty.**

***Section 35-44-3-10 of the Indiana Code provides that:***

***A person who knowingly or intentionally:***

- (1) dismisses his employee;***
- (2) deprives his employee of employment benefits; or***
- (3) threatens such a dismissal or deprivation;***

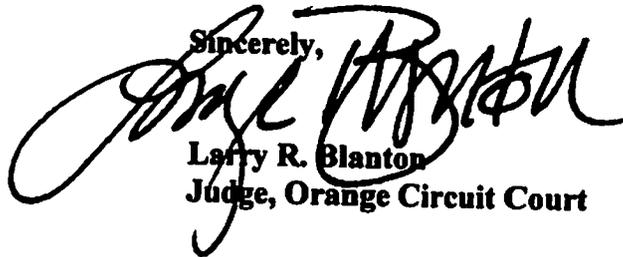
***because the employee has received or responded to a summons, served as a juror, or attended court for prospective juror service commits interference with jury service, a Class B misdemeanor.***

**A Class B misdemeanor carries a jail sentence up to 180 days and a \$1,000 fine. IC 34-4-29-1 allows employees to file a civil suit seeking damages from an employer who interferes with their service.**

**Please, thank your employer for understanding and be courteous to them in return. Keep them apprised about the length of your term as a juror.**

**Again, thank you for your service, I remain,**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Larry R. Blanton', written over the typed name and title.

**Larry R. Blanton  
Judge, Orange Circuit Court**

IC 33-28-5-24.3

Adverse employment action as the result of jury service; small employer exception

(a) If a person:

- (1) is summoned to serve as a juror; and
- (2) notifies the person's employer of the jury summons within a reasonable period:
  - (A) after receiving the jury summons; and
  - (B) before the person appears for jury service;

the person's employer may not subject the person to any adverse employment action as the result of the person's jury service.

(b) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury service;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(c) If:

- (1) a prospective juror works for an employer with not more than ten (10) full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the person performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee.

As added by P.L.4-2006, SEC.5. Amended by P.L.118-2007, SEC.21.

## **ADAMS CIRCUIT COURT JURY SYSTEM PLAN**

### **For the Selection of Jurors in Adams Circuit Court, Adams County, Indiana**

The Adams Circuit Court intends to establish a jury system that conforms to the Indiana Jury Rules, is efficient and allows all eligible citizens to participate in the justice system. The Court hopes to make jury duty educational and meaningful for citizens while minimizing disruptions to their lives.

If selected and sworn for a trial, the juror serves for the duration of the trial. If not selected that day, the individual is excused. In either case, the juror may not be eligible to be summoned again for a period of no less than 24 months from date of juror's summons.

### **Definitions**

#### **Jury Administrator**

Jury Administrator means the Court Administrator and any appointed person, e.g., Bailiff or Jury Manager, who administers the jury assembly process.

#### **Jury Pool**

Annual pool of names selected from Adams County lists approved by the Supreme Court. (Supreme Court Jury Rule No. 2) The Jury Pool is the entire list of names from Adams County provided by State Court Administration.

#### **Jury Sub Pool**

Names randomly selected annually from the Jury Pool in mid-November for jury selection in the 1<sup>st</sup> calendar quarter, in mid-February for jury selection in the 2<sup>nd</sup> calendar quarter, in mid-May for jury selection in the 3<sup>rd</sup> calendar quarter and mid-August for jury selection in the last calendar quarter, (and at such other times as the judge deems necessary). The judge will prepare a written order to draw Circuit and Superior grand and petit jurors for the random selection. The order(s) shall be filed with the Clerk of the Court with a copy to the Jury Administrator.

Not later than seven (7) days after the date of the drawing of names from the Jury Pool, the Jury Administrator mails qualification forms per Rule 4.

#### **Jury Panel**

Prospective names randomly selected from the Jury Sub Pool who qualify to serve as jurors and are summoned to appear for a specific date.

In summoning the jurors for jury service the Adams County Local Rule adopts the Two Tier Notice and Summons per Jury Rule 4.

### **Supervision**

Adams Circuit and Superior Court Judges will supervise the jury system processes.

### **Random Draw**

The Court has authorized a computer driven random jury selection system conforming to Indiana Supreme Court Jury Rules through the INCITE Jury Management System provided by JTAC of State Court Administration.

In conformity to Jury Rule 2 and 3, the Circuit Court Jury Administrator shall randomly select names from the Jury Pool for the creation of a quarterly Jury Sub Pool of grand jurors and a quarterly Jury Sub Pool of petit jurors, which selection will take place annually in mid-November for the following 1<sup>st</sup> calendar quarter, in mid-February for the 2<sup>nd</sup> calendar quarter, in mid-May for the 3<sup>rd</sup> calendar quarter and mid-August for the last calendar quarter, (and at such other times as the judge deems necessary). The judge will prepare a written order to draw Circuit and Superior grand and petit jurors for the random selection. The order(s) shall be filed with the Clerk of the Court with a copy to the Jury Administrator.

In the event that a Jury Sub Pool for a calendar quarter is inadequate, the Court may order a supplemental Jury Sub Pool drawn from the Jury Pool for that quarter.

To maintain the random draw of names from the Jury Sub Pool to establish Jury Panels, names shall be randomly drawn as needed from the jury sub pool.

### **Petit and Grand Jurors**

Of the names so drawn from the Jury Pool for the Grand Jury Sub Pool, the first 12 persons shall constitute the venire for any grand jury called for the following quarter, except that if the pool of grand jurors should be inadequate, additional names shall be drawn randomly from the Petit Jury Sub Pool for the quarter to complete the Grand Jury Sub Pool as needed.

The Jury Administrator shall notify all Jury Sub Pool members of their selection as provided in Jury Rule 4. Questionnaires shall be sent to Jury Sub Pool members at least 7 days before the beginning of the calendar quarter of the pool with appropriate stamped envelope to return the questionnaire. The questionnaire shall be in the form attached, but may be varied under exceptional cases.

The Jury Administrator for the Circuit and Superior Court shall draw qualified jurors from the Jury Sub Pool for a Jury Panel and summons the persons so chosen for jury selection.

If Court receives no response to a Jury Questionnaire, Summons is still issued to that potential juror.

The number of Petit Jurors contained in a Jury Panel for civil and/or criminal cases shall be as directed by the judge.

### **Term of Service**

A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed

A person who:

- (1) serves as a juror, or
- (2) serves until jury selection is completed but is not chosen to serve as a juror, may not be selected for another Jury Panel until all nonexempt persons on the Jury Panel have been called for jury duty unless said juror requests, in writing, to remain eligible.

### **Qualifications**

In order to be eligible for jury service a person shall state under oath that he or she is:

1. A citizen of the United States;
2. At least 18 years of age;
3. A resident of Adams County;
4. Able to read, speak and understand the English language;
5. Not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service;
6. Not under guardianship appointment because of mental incapacity;
7. Not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored; and
8. Not a law enforcement officer, if the trial is for a criminal case.

### **Deferral**

Deferral is a request to be relieved from any instance of jury service. Upon showing undue hardship, extreme inconvenience or public necessity, a qualified juror may request a deferral of jury service to a time not to exceed twelve (12) months from original selection.

If a juror asks to stay on the list after serving, their name goes back into the Jury Sub Pool to be selected randomly. If a person is residing out of county or out of state,

specifically a college student or member of military, and asks for deferral because of that status, their name goes on the bottom of the list of the next quarter. If a person otherwise living in county seeks a deferral, such as for a vacation, birthday, child's first day of school, etc. and the request can reasonably be accommodated, their name will go to the top of the list for the next trial.

In the event a potential juror contacts the Court the morning of a scheduled jury trial informing the Court he/she cannot participate in jury service, then in that event the potential juror is advised to come to Court and fill out an Affidavit for Deferral (form attached) and his/her name shall go to the top of the list of the next scheduled jury trial.

### **Exemption**

A statutory exemption from jury service is granted only when the eligible person claims it. Deferring jury service is preferred to excusing a prospective juror for a hardship. A person may claim exemption for jury service if he/she is 75 years old or older and wish to be exempted from jury duty for that reason. The elderly may not meet qualifications because of hearing and disability. Administrators shall attempt to obtain such information in writing under oath by use of forms which include verification language, but may do so verbally as necessary to carry out the assembly of the venire. A person who is on active duty in the armed forces of the United States or the Indiana National Guard and wish to claim exemption status from jury duty may do so for that reason. Religious exemption of Amish has been verified through a certification process from the Old Order Amish Church bishops and an oath will not be required so long as requests for exemption follow the forms attached.

Pursuant to Jury Rule 6, a prospective juror who has completed a term of jury service in any federal or state court in the 24 months preceding the date of the person's summons may claim exemption from jury service for the jury pool year in which the subsequent questionnaire or summons was received. Verification of the prospective juror's jury service may be required.

### **Juror Safety and Privacy**

Personal information not disclosed in open court is confidential, other than for the use of the parties, counsel, and court personnel during the trial. Juror questionnaires shall be destroyed two years following the year in which the juror is a member of the pool.

### **Record Keeping**

The record of names drawn, jurors qualified, and juror deferrals shall be maintained by the Jury Administrators. The method of maintaining juror records will follow protocol established to comply with all applicable Indiana Code either in hard copy or digital format. All jury related data will be archived for a period no less than two (2) years.

### **Sanctions for Non-compliance**

If a potential juror does not respond to a summons issued to him/her for jury service, then in that event attempts are made either by phone or mail to summon the potential juror to Court to show cause for his/her failure to appear for jury service, the Judge may at such times as he deems necessary impose penalties pursuant to law for non-compliance.

**HAMILTON COUNTY CIRCUIT AND SUPERIOR COURTS  
JURY SYSTEM PLAN FOR THE SELECTION OF JURORS  
IN HAMILTON COUNTY, INDIANA**

It is the intent of the Hamilton County Courts of Record to establish a jury system that will be less of a burden on the citizenry, economically feasible and efficient and allow more citizens to participate in the justice system. The courts hope to make jury duty educational and meaningful for citizens while minimizing disruptions to their lives.

If selected and sworn for a trial, the juror serves for the duration of the trial. If not selected that day, the individual is excused. In either case, the juror will not be eligible to be summoned again for a period of no less than twenty-four (24) months from date of juror's summons.

**Definitions:**

**Jury Administrator**

Jury Administrator means the Court Administrator and any appointed persons, e.g., Bailiff or Jury Manager, who administer the jury assembly process.

**Jury Pool**

Annual pool of names selected from Hamilton County lists approved by the Supreme Court. (Indiana Jury Rule No. 2)

**Jury Panel**

Names randomly selected from the Jury Pool as needed to establish names for jury qualification and selection.

**Sub-panel**

Prospective names randomly selected from the Jury Panel who qualify to serve as jurors and are summoned to appear for a specific date.

**Supervision**

All Hamilton County Judges will supervise the jury system processes.

**Term of Service**

A person who appears for service as a petit juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed.

A person who:

- (1) serves as a juror, or
- (2) serves until jury selection is completed but is not chosen to serve as a juror, may not be selected for another jury panel until all nonexempt persons on the Jury Panel have been called for jury duty unless said juror requests, in writing, to remain eligible.

### **Random Draw**

The courts have authorized a "computerized random jury selection system" pursuant to IC 33-28-5-10.

Annually (and at such other times as the judges deem necessary), the judges will prepare a written order to draw Circuit and Superior Courts' grand and petit jurors for the upcoming year. The order or orders shall be filed with the clerk of courts with a copy to the Jury Administrators and Court Administrator.

### **Petit Jurors**

The Jury Administrator for each court shall draw qualified jurors from the Jury Panel and summons the persons so chosen.

The number of petit jurors contained in a Sub-Panel for civil and/or criminal cases shall be as directed by the judges.

### **Qualifications**

In order to be eligible for jury service a person shall state under oath that he or she is:

1. A citizen of the United States;
2. At least 18 years of age;
3. A resident of Hamilton County;
4. Able to read, speak and understand the English language;
5. Not suffering from a physical or mental disability, including age related infirmities, that prevents him or her from rendering satisfactory jury service;
6. Not under guardianship appointment because of mental incapacity;
7. Not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored; and
8. Not a law enforcement officer, if the trial is for a criminal case.

### **Deferral**

Deferral is a request to be relieved from any instance of jury service. Upon showing undue hardship, extreme inconvenience or public necessity, a qualified juror may request a deferral of jury service to a time not to exceed twelve (12) months from original selection.

Every summons sent to prospective jurors will include instructions to follow when requesting to be deferred. The facts supporting a request for deferral must be recorded under oath or affirmation pursuant to Indiana Jury Rule No. 8. The preferred practice is for the juror to mail a written request under oath; however, in emergency situations the Court may make a recording of oral testimony from the juror by telephonic means. The request for deferral must be received by the court and acted upon prior to the commencement of *voir dire* in the trial from which the juror seeks deferral. The written request for deferral or oral record of evidence shall be retained for a period of two years in the manner provided by this plan under the record keeping section. Deferral request received after the commencement of *voir dire* in the trial for which a juror was called shall not be approved.

### **Juror Safety and Privacy**

Personal information not disclosed in open court is confidential, other than for the use of the parties and counsel during the trial.

### **Record Keeping**

The record of names drawn, jurors qualified, and juror deferrals shall be maintained by the Jury Administrators. The method for maintaining juror records will follow protocol established to comply with all applicable Indiana Code either in hard copy or digital format. All jury related data will be archived for a period no less than two (2) years.

### **Sanctions for Non-compliance**

The judges may at such times as they deem necessary impose penalties pursuant to IC 33-28-5-17 and IC 33-28-5-24 for non-compliance.

STATE OF INDIANA            )  
  )  
COUNTY OF HENDRICKS        )

**Hendricks County Courts’ Plan for Selection of Jurors**

Pursuant to Indiana Code 33-28-5-12, the Hendricks County Courts hereby state as follows for their plan for the selection of grand and petit jurors (“jury plan”):

**I. Introduction**

1. On or about January 1, 2015, the Circuit and Superior Courts of Hendricks County (“Hendricks County Courts”) began drawing names of qualified jurors from a unified jury pool.

2. Pursuant to IC 33-28-5-11, the court administrator serves as the jury administrator for the unified jury pool under the direction of the judges of the Hendricks County Courts.

3. This jury plan specifies the method of selection of Hendricks County residents for the unified jury pool and jury service.

4. This jury plan shall become effective upon approval by the judges of Hendricks County Courts.

5. This jury plan is a public document available for inspection in the office of the jury administrator at all reasonable times.

**II. Notice of Selection for Jury Pool and Summons for Jury Service**

1. The Indiana Supreme Court-approved master jury list is the source of names for the unified jury pool of the Hendricks County Courts.

2. Pursuant to IC 33-28-5-10(b), the judges have authorized use of a computerized selection of names from the master list. The jury administrator shall select approximately 5,000

names from the master jury list annually for the unified jury pool. The jury administrator shall select additional names from the master jury list at such other times as the judges deem necessary.

3. The jury administrator shall mail to each person whose name is drawn a qualification form. The form must be accompanied by instructions to fill out and return the form by mail to the jury administrator not later than ten (10) days after its receipt.

4. The jury administrator shall design the juror qualification form subject to approval by the judges as to matters of content.

5. Pursuant to IC 33-28-5-18, the jury administrator shall determine on the basis of information provided on a juror qualification form whether the prospective juror is qualified for service.

6. Using a computerized selection system, the jury administrator or bailiff of a court shall randomly draw names of qualified jurors from the unified jury pool as needed to establish jury panels for confirmed trials and summons qualified prospective jurors whose names are drawn.

7. Pursuant to IC 33-28-5-12(a)(7), the number of qualified jurors that constitutes a panel for civil and criminal cases is solely determined by the judge of each court.

8. Pursuant to IC 33-28-5-12(a)(8), upon receipt of an order for a grand jury, the jury administrator or bailiff of a court shall publicly draw at random from the unified jury pool 12 qualified jurors and direct them to appear before the judge. The judge shall randomly select 6 jurors after explaining to the 12 prospective jurors the duties and responsibilities of a grand jury and deferring jurors under IC 33-28-5-18.

### **III. Deferral**

1. The judge of each court may authorize deferral of jury service for up to 1 year upon a showing of hardship, extreme inconvenience, or necessity.

2. The facts supporting juror disqualification, exemptions, and deferral shall be recorded under oath or affirmation. Prospective jurors requesting deferral of jury service shall be provided with an affidavit for deferral of jury service that should be returned to the court before the commencement of voir dire, if not sooner. The jury administrator shall keep these records for a minimum of 2 years.

### **IV. Term of Jury Service**

1. A person who appears for service as a petit juror serves until the conclusion of the first trial in which the juror is sworn.

2. A person who appears for service by reporting to the courthouse and being recorded as present for jury service and not deferred but is not selected and sworn as a juror completes the person's service when jury selection is completed.

### **V. Amendments**

This plan may be amended by a majority vote of the elected judges of the Hendricks County Courts at any monthly meeting provided at least ten (10) days notice of the proposed amendment has been given to the elected judges in writing.

## VI. Cooperation

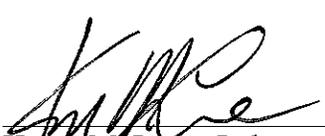
The judges of the Hendricks County Court shall comply with this plan, and, pursuant to Rule 2.5(B) of the Code of Judicial Conduct, shall cooperate with other judges and court officials in the administration of court business relating to the Hendricks County Courts' Jury Plan.

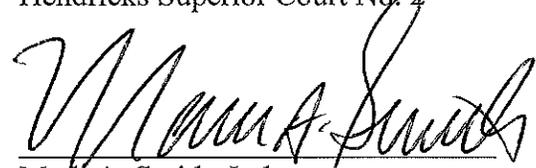
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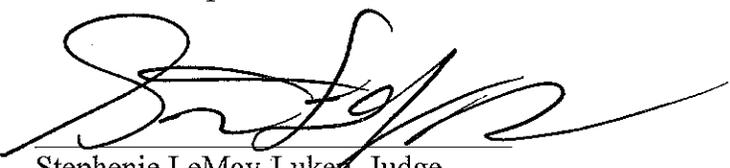
  
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Daniel F. Zielinski, Judge  
Hendricks Circuit Court

  
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Robert W. Freese, Judge  
Hendricks Superior Court No. 1

  
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Rhett M. Stuard, Judge  
Hendricks Superior Court No. 2

  
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Karen M. Love, Judge  
Hendricks Superior Court No. 3

  
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Mark A. Smith, Judge  
Hendricks Superior Court No. 4

  
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Stephenie LeMay-Luken, Judge  
Hendricks Superior Court No. 5

*May 22, 2015*  
Date *By CH*

For Court Use Only

Home phone number: \_\_\_\_\_

Work phone number: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

1. Name: \_\_\_\_\_ Age: \_\_\_\_\_  
(first) (middle) (last)

2. Home address: \_\_\_\_\_

3. Miles to courthouse: \_\_\_\_\_ (one way)

4. Are you a citizen of the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Are you at least eighteen (18) years of age? Yes \_\_\_\_\_ No \_\_\_\_\_

6. Are you a resident of \_\_\_\_\_ County? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Can you read, write, speak, and understand the English language? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Do you have any physical or mental disabilities that prevent you from serving as a juror? Yes \_\_\_\_\_ No \_\_\_\_\_

9. Are you under a guardianship appointment because of a mental incapacity? Yes \_\_\_\_\_ No \_\_\_\_\_

10. Has your right to vote been revoked and not restored because of a felony conviction? Yes \_\_\_\_\_ No \_\_\_\_\_

11. Are you a law enforcement officer? Yes \_\_\_\_\_ No \_\_\_\_\_

12. Claim of Exemption from Jury Service:

I wish to be exempted from jury service for the following reason:

I have appeared for jury service in the last 24 months.

I am 75 years old or over.

I am currently on active duty or reserve duty on military orders in the armed forces of the United State or Indiana National Guard.

13. Request for Deferral of Jury Service:

I request deferral of my jury service for a period of \_\_\_\_\_ months (not more than 12 months) due to undue hardship, extreme inconvenience or public necessity because:

\_\_\_\_\_  
\_\_\_\_\_.

14. Current marital status: (Check one)

\_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Separated \_\_\_\_\_ Single \_\_\_\_\_ Widow/Widower

15. List the following information for all persons residing in your home:

Relationship	Age	Occupation	Employer
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16. List your education/highest grade completed: \_\_\_\_\_

17. List your present occupation and employer: \_\_\_\_\_

18. List your prior occupations and employers (past five years or if retired): \_\_\_\_\_

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19. Spouse's present occupation and employer: \_\_\_\_\_

20. If spouse retired or deceased, give last occupation and employer: \_\_\_\_\_

21. Have you ever served as a juror in state or federal court? Yes \_\_\_\_ No \_\_\_\_

22. Have you ever been arrested, charged or convicted of a crime that has not been expunged?  
Yes \_\_\_\_ No \_\_\_\_

23. Have any members of your household, immediate family, or close friends ever been arrested, charged or convicted of a crime? Yes \_\_\_\_ No \_\_\_\_

24. Have you or members of your household, immediate family, or close friends ever been:  
a party to a civil lawsuit? Yes \_\_\_\_ No \_\_\_\_  
a victim of a crime? Yes \_\_\_\_ No \_\_\_\_

25. Are you related to or close friends with any law enforcement officers? Yes \_\_\_\_ No \_\_\_\_

26. Is there any reason why you cannot be a fair and impartial juror? Yes \_\_\_\_ No \_\_\_\_  
If yes, state reason: \_\_\_\_\_

27. Is there any other reason why you cannot serve as a juror? Yes \_\_\_\_ No \_\_\_\_  
If yes, state reason: \_\_\_\_\_

28. Additional comments/information: \_\_\_\_\_

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I affirm, under penalties for perjury, that the foregoing is true to the best of my information and belief.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

## **JURY SELECTION OF THE DISABLED**

### **Introduction**

According to the American Bar Association (“ABA”) 1993 Standards for jury service, “The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation or any other factor that discriminations against a cognizable group in the jurisdiction.” Also, the 2005 ABA Principles for Juries and Jury Trials states that under the Americans with Disabilities Act (“ADA”) persons with disabilities must be afforded equal opportunities to serve and remain on the list of eligible jurors.

The Indiana Jury Rules have sought to comply with this standard and with Title II of the ADA in order to provide an opportunity for disabled jurors to sit on juries. Indiana Jury Rule 4 requires that the summons for jury service shall include “how to obtain auxiliary aids and services required by the ADA.” Jury Rule 5 states, “the court shall determine if the prospective jurors are qualified to serve, or, if disabled but otherwise qualified, could serve with reasonable accommodation.” However, Jury Rule 5 is limited by only allowing those to serve whom are, “not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service.” Further, Indiana Code 35-46-2-2 makes it a Class A misdemeanor for a public servant to discriminate during jury selection by knowingly or intentionally failing to select or summon a person because of color, creed, disability, national origin, race, religion, or sex.

As an additional note, 28 CFR §35.130(f) provides that a public entity may not place a surcharge on an individual or group of individuals with disabilities to cover the cost of providing auxiliary aids or program accessibility as required by the ADA. In addition, the Department of Justice has determined that the costs for interpreter services cannot be assessed as a part of court costs. See: 45 FR 37630 (June 3, 1980). “The ADA does not require the provision of any auxiliary aid that would result in an undue financial or administrative burden or in a fundamental alteration in the nature of the services of the court. However, a court is not relieved from the duty to furnish an alternative auxiliary aid, if available, that would not result in a fundamental alteration or undue burden. Both of these limitations are derived from existing regulations and case law under section 504 of the Rehabilitation Act and are to be determined on a case-by-case basis.” See Title II Highlights, Department of Justice, (<http://www.ada.gov/t2hlt95.htm>), last visited July 1, 2016

## **Deaf or Hearing-Impaired Jurors**

### **CASE LAW:**

#### **FEDERAL COURT CASES:**

United States v. Saadeh, 61 F.3d 510, 524-25 (7th Cir. 1995). Seventh Circuit affirmed on appeal from the N.D. Ill., defendants' charges of conspiracy to distribute drugs. During post-verdict polling, it was discovered that one of the jurors was hard-of hearing. In the course of voir dire, all of the jurors were asked, "May I assume then that each and every one of you as you sit here now are willing and able to give this case your close attention and to give both sides a fair trial? Does anybody feel that for any reason he or she cannot do that?" and there was no response from any of the jurors. Id. at 524. Although defendants contend that the juror must have missed part of the testimony and could not fully assess the credibility of the witnesses because the juror could not hear the witnesses tonal quality, volume and speech pattern and that a substantial part of the government's case relied upon credibility which is established through these things, defendants were not granted a new trial. In deciding, the court looked to the standard set out in Commonwealth v. Brown which asserts that a juror can be disqualified only if "the deafness is of such degree as to indicate that the juror may not have heard material testimony." 332 A.2d 8282 (Pa. Super. 1974). The court also looked to Wisconsin v. Turner, which said that the requirement was that "a juror missed material testimony." 521 N.W.2d 148 (Wis. Ct. App. 1994). The defendants established neither of these requirements.

United States v. Watson, 483 F.3d 828 (D.C. Cir. 2007). Defendant sought extension of the Batson rule to the blind, on the ground that in Tennessee v. Lane, 541 U.S. 509 (2004), the United States Supreme Court recognized that states deprived disabled individuals of a fundamental right by excluding them from jury service. The Court held that reasoning in the Lane decision did not support defendant's contention that the exercise of peremptory challenges of individual jurors on the basis of disability related to the particular case triggered heightened scrutiny or violated the Batson rule. Defendant's alternate contention failed that the prosecutor's peremptory strikes were not rational because the charges against him did not rely on visual evidence and to the extent the government chose to introduce such evidence it was, by reason of technical defects, virtually useless to the jury. It was not necessarily irrational to think that a person was likely to acquire a more accurate understanding of a scene by seeing it rather than merely hearing about it. The United States Supreme Court has declined to treat the disabled as a suspect class in recognition of the reality that the states may have legitimate reasons for treating differently persons whose disabilities reduce their ability to perform certain functions.

Black v. Cockrell, 314 F.3d 752 (5th Cir. 2003). Judge, outside the presence of all counsel, dismissed a juror who asked not to serve because she was hard of hearing. The judge determined that the juror could not hear through an interview and was also given a doctor's excuse. The court has broad discretion to excuse jurors for other than economic reasons without the parties being present.

U.S. v. Dempsey, 830 F.2d 1084 (10th Cir. 1987). A juror who could read lips still required an interpreter to translate for her. Trial court required the interpreter to take an oath that she would translate correctly and that she would not interfere with or participate in the jury deliberations.

However, the appellate court did express concern that the court would not know if the interpreter improperly influenced the jury with "facial expressions, pauses, gestures[,] or otherwise." *Id.* at 1091. After deliberations the court also asked the interpreter whether other than translating she participated in deliberations, which the interpreter denied. Court held that the interpreter's presence did not warrant a new trial for the defendant.

Stone v. Dretke, 2005 U.S. Dist. LEXIS 217 (N.D. Tex., Jan. 21, 2005) Petitioner filed an application for habeas corpus relief after she was convicted and sentenced for solicitation for capital murder. Among her contentions, petitioner asserts that her attorney provided ineffective assistance by not striking a deaf juror. The juror used certified deaf interpreters to assist her. The standard for determining whether a proposed juror may be excluded for cause is "whether the prospective juror's views would prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath." U.S. v. Whaton, 320 F.3d 526, 535 (5th Cir. 2003). There was no showing that the juror should have been excused for cause under Texas or federal law.

### **STATE COURT CASES:**

Broadus v. Indiana, 487 N.E.2d 1298, 1302. (Ind. 1986). Defendant appealed armed robbery charges on multiple grounds, including an allegation that the trial court erred by not excusing for cause a hearing-impaired juror during voir dire. According to the record, the hearing-impaired juror indicated that he had no difficulty hearing in the jury box. The defendant failed to demonstrate any error because the trial court had reason to allow the juror to remain and the defendant did not demonstrate that the juror in fact had problems hearing during the trial.

Arizona v. Marcham, 770 P.2d 356 (Az. Ct. App. 1988). The court held that defendant who did not raise objection to a deaf juror at trial did not preserve the issue for appeal. The court did not commit a fundamental error by retaining the deaf juror because evidence indicated that the juror was capable of understanding the evidence and that the interpreter accurately translated the testimony. The court relied on common law, which provides that deaf persons are not necessarily incompetent jurors, and also legislative intent to eliminate discrimination based upon disabilities.

Arizona v. Mendoza, 891 P.2d 939 (Az. App. 1995). Arizona Court of Appeals affirmed defendant's conviction for aggravated driving under the influence of liquor. A deaf juror was a member of the jury and was appointed a sign-language interpreter. Defendant challenged conviction on the basis that there was no transcribed record of the interpreter-juror communications, which violated his right to a jury trial, right to appeal and due process rights. Defendant's conviction was affirmed because he waived the issue on appeal by not objecting to the lack of transcript previously. No evidence indicated that the interpreter was unqualified or erred in interpreting the events and testimony at trial. The lack of transcript between the interpreter and juror did not violate the defendant's rights.

Colorado v. Trevino, 826 P.2d. 399 (Colo. App. 1991). A hard-of-hearing juror failed to wear her hearing aid during the second day of testimony when the only witness linking the defendant to the crime testified. Because she did not wear her hearing aid that day, she was unable to hear the witnesses' answers to many questions. The juror admitted that she misunderstood the testimony on more than one occasion and had to ask another juror for clarification. The trial court found that

because the juror missed a substantial portion of the testimony the day that she did not wear her hearing aid the defendant's rights were adversely affected. However, the trial court found that the error was harmless due to the amount of evidence against the defendant. The appellate court reversed this decision, disagreeing that the error was harmless. The appellate court held that the defendant's rights were infringed because the hard-of-hearing juror missed a substantial portion of testimony, which was equivalent to the juror missing portions of the trial. Even though the jurors who did participate all found the witness credible, the court cannot assume that one juror missing testimony is harmless.

Woodard v. Kentucky, 147 S.W.3d 63 (Ky. 2004). Kentucky Supreme Court affirmed defendant's conviction for second-degree assault and for being a persistent felony offender. Defendant appealed partly on the basis of the participation of a deaf juror. "Undoubtedly non-verbal cues of a witness can be as important as the spoken word. However, the hearing-impaired acquire techniques that allow them to communicate, understand, evaluate and otherwise compensate for their lack of hearing. This Court must afford every citizen the opportunity to serve as a part of the judicial system, when that person can reasonably perform his or her duties as a juror." *Id.* at 69. According to the record there was no evidence that the deaf juror was unable to perform her duties reasonably.

Missouri v. Wilson, 169 S.W.3d 571 (Mo. App. 2005). Trial court sua sponte dismissed a deaf venire person based on its inability to accommodate the venire person's disability, because there was only one interpreter available for the afternoon and two are ideally used due to the length of the proceeding and intensity of the questioning. The appellate court held that the trial court did abuse its discretion in dismissing the deaf venire man and that the relevant Missouri Statute (Mo. Rev. Stat. § 476.753 (2000)) also applied to protection of deaf individuals during the venire stage. However, the conviction was not reversed. Even if the trial court had accommodated the deaf venireman, he would not have been ultimately selected because the panel from which the jurors were selected consisted of jurors numbered 1 through 24. The deaf juror in question was juror number 27 and so was not among those in the chosen jury panel.

New York v. Green, 561 N.Y.S.2d 130 (NY 1990). The court would not allow a prosecutor to excuse a hearing-impaired prospective juror with a peremptory challenge solely because the juror was deaf. The prosecutor had to give a disability-neutral reason for the peremptory challenge because deafness per se could not be used as a challenge for cause. Allowing the challenge would have violated the deaf prospective juror's equal protection rights.

New York v. Guzman, 555 N.E.2d 259 (NY 1990). New York Court of Appeals affirmed the appellate court's conviction of defendant on drug charges. Defendant used a peremptory challenge to exclude a prospective hearing-impaired juror for cause, asserting that the impairment would prevent him from judging witness credibility and that the interpreter's presence in the jury room would inhibit deliberations and violate confidentiality. Supreme Court rejected defendant's assertion because the juror's hearing disability would not prevent him from performing the duties of a juror in a reasonable manner and that no evidence supported the concerns regarding the interpreter. The determination whether a hearing-impaired person can provide reasonable jury service must be left mainly to the trial court, which can question and observe the prospective juror and interpreter during voir dire. The court may also sufficiently protect against the danger of the

interpreter's improper participation using instructions to the interpreter and jurors that the interpreter may not participate in deliberations.

Burke v. Schaffner, 683 N.E.2d 861 (Ohio App. 1996) Although the judge expressed concerns regarding potential difficulties (juror's ability to read lips, inability to assess the demeanor of witnesses, necessity of an interpreter, and discussion problems) which could arise from a deaf juror, the decision to excuse the juror was ultimately based upon the unavailability of an interpreter. The court did not abuse its discretion, nor act unreasonably or arbitrarily in excusing the juror for this reason.

Saunders v. Texas, 49 S.W.3d 536 (Tex. App. 2001). Although TEX. CODE CRIM. PRO. ANN. Art. 36.22 (Vernon 1981), states that no person shall be permitted to be with a jury while it is deliberating," TEX. GOV'T CODE ANN. § 62.1041(a), (b), & (c) (Vernon 1998) specifically provides that a deaf or hearing-impaired juror must be reasonably accommodated, which includes having an interpreter during jury deliberations. Further, TEX. CIV. PRAC. & REM. CODE ANN. § 21.005 (Vernon 1997), requires that an interpreter must be given an oath. However, the judge did remark, "The lady sitting out here is [the interpreter]. She is an interpreter from Fort Worth. You can see she is signing for [the juror]. And she is going to be a part of your lives for the next week because she is here to assist and facilitate [the juror] in understanding this testimony. She is not a member of your jury. Okay. She won't help you in the case. She won't give you advice when the jury is actually deliberating. She won't participate in any deliberation. She won't vote. She won't remind you of the evidence. She is only strictly here to communicate between [the juror] and the jury while you are deliberating and to translate all the evidence, that is all the oral evidence for [the juror] so he can participate in this process. This is going to be a unique experience. I am very pleased [the juror] had the opportunity to get on this jury. I know he appreciates it too." Id. at 541. The court considered that the oath requirement was waived due to this language. The court held that the presence of the interpreter did not deprive the defendant of a fair and impartial trial by jury.

Wisconsin v. Turner, 521 N.W.2d 148 (Wisc. App. 1994). Jurors had difficulties hearing two young girls who testified in a sexual assault case. Two jurors admitted they still have difficulties hearing some, but not all, of the testimony. The trial then continued with an amplification system in place. The court determined that the jurors missed material testimony and so prejudice had to be assumed and a new trial was ordered. Also, the jurors' inability to hear tonal quality, speech patterns and volumes could have effected their credibility determinations.

Skinner v. Wyoming, 33 P.3d 758 (Wyo. 2001). Defendant argued that he was denied a fair trial because a hard-of-hearing juror may have missed some of the testimony. The juror had admitted during voir dire that he had a slight hearing problem and the defense counsel did not make an objection for cause. Since he failed to object, he could not use the juror as a reason that he was not given a fair trial.

### **STATUTES:**

Arkansas Code § 16-10-127 (2011). The statute creates a court-established program to facilitate the use of interpreters, which certifies interpreters for the courts and maintains a registry of those certified.

Colorado Revised Stat. 13-71-137 (2010). A translator may assist a deaf juror. The court shall instruct the translator to make “make true and complete translations of all court proceedings” and the translator shall be subject to the same orders and admonitions given to the jury. The court will also instruct the translator not to participate in deliberations.

Florida Stat. § 90.6063 (2011). For any deaf jury member a qualified interpreter will be appointed. A qualified interpreter is one from the National Registry of Interpreters for the Deaf or the Florida Registry of Interpreters for the Deaf or an interpreter whose qualifications are otherwise determined by the appointing authority. A deaf person shall give notice of their disability at least 5 days before they appear. An interpreter appointed by the court in a criminal matter or in a civil matter shall be entitled to a reasonable fee and actual expenses for travel, to be paid out of general county funds.

705 Illinois Compiled Stat. 315/1 (2011). If a juror is deaf or hard of hearing, the juror may be accompanied by and communicate with a court appointed interpreter during deliberations. If the jury foreman reasonably believes that the interpreter is doing more than interpreting, the foreman can petition the court for a replacement interpreter.

735 Illinois Compiled Stat. 5/8-1402 (2011). A deaf juror may have an interpreter and accommodations shall be made in accordance with the ADA so that a qualified individual with a hearing disability may participate as a party, witness, juror, or spectator in any legal proceeding. The court shall determine and allow a reasonable fee for all services provided which shall be paid out of general county funds.

Louisiana Code Crim. Pro. Art. 401.1 (2011). The court will provide an interpreter for a deaf juror. The juror will be sworn in as an officer of the court and will be instructed to make true, literal and complete translations and to be present and assist the deaf juror during deliberations. All costs will be paid by the clerk of court's office through the juror and witness fee account.

Massachusetts GL Ch. 234A § 69 (2011). A translator may assist a deaf juror. The translator must have been determined to be competent. The court will instruct the translator to make true, literal and complete translations. The translator can be present during deliberations, but cannot participate. The verdict of the jury shall be valid notwithstanding the presence of the translator during deliberations.

Oregon Revised Stat. §10.115 (2009). A hearing-impaired juror shall upon written request and a finding that the juror requires the services of a qualified interpreter or the use of a communication device. The court shall appoint an interpreter or provide appropriate communication device if needed. The public authority required to pay the fees due to the juror shall pay the cost. An oath shall be administered to the qualified interpreter that the interpreter will accurately communicate to the juror. Each party to the proceeding shall prepare instructions in respect to the interpreter.

Texas Gov't Code §62.1041 (2010). A deaf or hard of hearing juror cannot be disqualified solely because of hearing loss, except if in the opinion of the court, the hearing loss makes him unfit to serve as a juror in a particular case. The disabled juror shall be reasonably accommodated in accordance with the ADA, either with an interpreter or with an auxiliary aid.

Texas Civil Practice and Remedies Code §21.005 (2006). The interpreter shall take an oath to make a true interpretation understandable to the deaf person, repeat the deaf person's questions in the English language. The interpreter's oath also includes that the interpreter will not participate in the deliberations, communicate with other jury members regarding deliberation except for the literal translation of the juror's remarks during deliberations, and disclose any deliberations after the verdict. (See Saunders v. Texas above.)

W. Virginia Code §52-1-8 (2011). A physically disabled person who can render competent service with reasonable accommodation shall not be ineligible to act as a juror or be dismissed from a jury solely based upon disability. The judge may disqualify a disabled juror if the judge finds that the nature of potential evidence in the case including such as the type or volume of exhibits or the disabled juror's ability to evaluate a witness or witnesses unduly inhibits the disabled juror's ability to evaluate the potential evidence. The court shall administer an oath or affirmation to any person present to facilitate the communication for a disabled juror that the person shall only accurately communicate and not take part in deliberation.

### **PATTERN JURY INSTRUCTIONS:**

Note: There is ongoing consideration for developing Indiana Pattern Jury Instructions. The samples below are the only pattern instructions found at the time of this research.

California Criminal Jury Instruction 110 (2011).

#### **Service Provider for Juror With Disability: Beginning of Trial**

"During trial, [ *name of juror* ] will be assisted by a [ *insert service provider* ]. The [ *insert service provider* ] is not a member of the jury and is not to participate in the deliberations in any way other than as necessary to provide the service to [ *name of juror* ].

California Criminal Jury Instruction 5004 (2011).

#### **Service Provider for Juror With Disability: Post-Trial**

[ *Name of juror* ] has been assisted by [ *a/an* ] [ *insert type of service provider* ] to communicate and receive information. The [ *service provider* ] will be with you during your deliberations. You may not discuss the case with the [ *service provider* ] or in any way involve the [ *service provider* ] in your deliberations. The [ *service provider* ] is not a member of the jury and is not to participate in the deliberations in any way other than as necessary to provide the service to [ *name of juror* ].

California Jury Instructions, Criminal 1.08 (2005).

#### **Introductory Remarks: Sign Language Or Cart Interpreter In Jury Room**

[Juror #[] requires the assistance of a **sign language** interpreter. A **sign language** interpreter is not a member of the jury and shall not participate in the jury deliberations in any manner. However, the **sign language** interpreter must be present in the jury room to facilitate communication between Juror #[] and the other jurors.]

[Juror #[] requires the assistance of a CART provider/interpreter. "CART" is an acronym standing for Communication Access Realtime Translation. A CART provider/interpreter is a computer-aided realtime translation reporter who acts solely as an interpreter for the deaf or hearing-impaired

individual. The provider/interpreter is not a member of the jury and must not participate in the jury deliberations in any manner. However, the provider/interpreter must be present in the jury room to facilitate communication between Juror #[] and the other jurors.]

In order to insure full participation in deliberations by Juror #[], the other jurors should not talk at the same time and should not have side conversations. Remember that it is important that all jurors participate fully in jury deliberations. It is important that the [**sign language** interpreter] [CART provider/interpreter] be able to clearly interpret each juror's words. Jurors should speak directly to Juror #[] and not to the [**sign language** interpreter] [CART provider/interpreter]. The words spoken by the [provider/] interpreter are the words of Juror #[], for whom [he is] [she is] [they are] interpreting.

[Two **sign language** interpreters will be present during deliberations and will substitute for each other at periodic intervals. While one of these interpreters is providing interpretation, the other interpreter will be silent and will sit unobtrusively during the deliberations.]

The [**sign language** interpreters] [CART provider/interpreter] will strictly follow the Code of Ethics, and keep confidential all information related to this assignment. These persons will not reveal any matters discussed during jury deliberations.

## **Blind or Visually-Impaired Jurors**

### **CASE LAW:**

#### **FEDERAL COURT CASES:**

Galloway v. Superior Court of Dist. of Columbia, 816 F. Supp. 12 (D.C. 1993) When blind plaintiff attempted to register for jury service, he was barred by the official policy of the court which bars all blind individuals. Plaintiff brought suit under § 504 of the Rehabilitation Act, 29 U.S.C.S. § 794(a), § 1983 of the Civil Rights Act of 1871, 42 U.S.C.S. § 1983, and Title II of the Americans with Disabilities Act (ADA), 42 U.S.C.S. 12312. The court found that the policy violated these acts because blind jurors are otherwise qualified to sit on a jury because they can assess witness credibility and because a reasonable accommodation could have been made. Court also held that blind persons could only be disqualified on a case-by-case basis; the blank policy excluding all blind persons is illegal.

#### **STATE COURT CASES:**

Connecticut v. Mejia, 658 A.2d 571 (Conn. 1995). Blind attorney, serving as a juror, did not object to the court allowing the jurors to take notes during trial. Defendant asserted that by allowing the jurors to take notes, the blind juror would be disadvantaged because she would not be able to take notes. Note taking was an option, however, not a requirement and the other jurors should not be denied the benefit of being able to take notes because of the blind juror was unable to take notes.

Massachusetts v. Susi, 477 N.E.2d 995 (Mass. 1985). Although a Massachusetts statute prohibits per se disqualification of a visually impaired juror, a trial judge may remove a juror when the

defendant's right to a fair trial would be threatened due to the juror's disability. The right to a fair trial would be threatened if the issue of identification is predominant issue at trial, the jury will be asked to view and to compare drawing and photographic evidence, to compare physical appearances of witnesses, and to compare appearance of defendant with defendant's appearance in photographs and with composite drawing.

New York v. Caldwell, 603 N.Y.S.2d 713 (N.Y. 1993). The court held it was obligated to "reasonably accommodate" a visually-impaired juror pursuant to the ADA. Although from her seat in the jury box she could only see the outline of the witnesses' faces, but not the details of all their expressions, she could still determine credibility based on the conflicting accounts from witnesses since the juror made credibility determinations without relying on visual clues in her everyday life. With minimal assistance, moving her seat, reading all of the documents introduced into evidence into the record and providing an enlarged print version of the transcript, the juror was able to participate. Also, introducing a photograph to corroborate does not automatically disqualify a visually impaired juror.

### **STATUTES:**

D. Alaska. Grand & Petit Jurors' Random Selection Plan 4.5 (2008): Statute specifically excludes those who do not read and write English to fill out the juror qualification form "provided however, this provision is not intended to disqualify blind jurors who can read Braille or jurors who have lost the use of their limbs and cannot write"

### **Miscellaneous Related Materials**

### **CASE LAW:**

United States v. Harris, 197 F.3d 870 (7th Cir. 1999). Government used a peremptory challenge for a juror with multiple sclerosis because it might cause her to fall asleep. Court held that that the disability legitimately affected the prospective juror's ability to serve as a juror. Using rational basis review, the court upheld the peremptory challenge because the government's concern that the juror might be unable to pay attention was rationally related to government's sole legitimate purpose of selecting a fair and impartial jury.

United States v. McDade, 929 F. Supp. 815 (E.D. Pa. 1996) The court balanced privacy interests against lawyers interests of learning about prospective jurors during the voir dire process. Looking at these questions: "What is the general condition of your health? - If you have a health problem, please state briefly the nature of the problem"; "What is the general condition of your eyesight? - Do you wear contact lenses or glasses?"; "What is the general condition of your hearing? - Do you wear a hearing aid?"; "Do you require regular or frequent medication or medical care and attention? - If you require regular or frequent medication, please describe the nature of the medication, its effect upon you, and the frequency of taking such medication". The court stated that questions about a potential juror's health were too broad and invasive, but permitted questions regarding the juror's ability to see, hear, or whether jurors had any medical problems or conditions that prohibited them from sitting full days because they were relevant to the proceedings.

## **STATUTES REGARDING DISABILITIES IN GENERAL:**

Arkansas Code §16-31-102 (2011): Forbids per se disqualification based on losing of hearing or sight, but allows disqualification of those whose disability would render unsatisfactory jury service.

California Code Civ Proc §224 (2010): A juror with a disability which requires auxiliary services to facilitate communication must stipulate the presence of the service provider who is providing those auxiliary services within the courtroom and prepare proposed jury instructions to the service provider.

California Pen Code §939.11 (2010). A member of a grand jury who has a disability may request an interpreter when necessary by filing the request with the court. If the court finds that an interpreter is necessary, the court will make an order and may require a subpoena. Further, the court will instruct the grand jury and the interpreter that the interpreter is not to participate in jury deliberations except to facilitate communication between the disabled juror and the other jurors. The interpreter must also take an oath.

Ohio Sup. R. Appx. C, Standard 1 (2011). Ohio's statute is essentially identical to the ABA Standard. Using support agencies and advancing technologies, courts should reasonably accommodate special needs of disabled jurors.

### **Interpreter Information**

### **INDIANA STATUTES:**

Although these statutes do not specifically apply to jurors, the court may use them to infer decisions regarding jurors.

#### **Interpreter Code of Conduct and Procedure:**

<http://www.in.gov/judiciary/rules/interpreter/index.html>

#### **IC 34-45-1-3**

##### **Interpreters; entitlement**

Sec. 3. Every person who cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons, and who is a party to or a witness in a civil proceeding is entitled to an interpreter to assist the person throughout the proceeding.

#### **IC 34-45-1-4**

##### **Interpreters; appointment and qualifications**

Sec. 4. (a) An interpreter assisting a person under section 3 of this chapter may be:

- (1) retained by the party or witness; or
- (2) appointed by the court before which the action is pending.

(b) If an interpreter is appointed by the court, the fee for the services of the interpreter shall be:

- (1) set by the court; and
- (2) paid in a manner as the court may determine.

(c) The court may inquire into the qualifications and integrity of any interpreter, and may disqualify any person from serving as an interpreter.

#### **IC 34-45-1-5**

##### **Interpreters; oath**

Sec. 5. Every interpreter for another person who is either a party or a witness in a court proceeding described in this chapter shall take the following oath:

Do you solemnly swear (or affirm) that you will justly, truly, and impartially interpret to \_\_\_\_\_ the oath about to be administered to him (her), and the questions which may be asked him (her), and the answers that he (she) shall give to such questions, relative to the cause now under consideration before this court so help you God (or under the pains and penalties of perjury)?

#### **IC 4-21.5-3-16**

##### **Interpreters**

Sec. 16. (a) A person who:

(1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and

(2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to \_\_\_\_\_ the oath about to be administered to him (her), the questions that may be asked him (her), and the answers that he (she) shall give to the questions, relative to the cause now under consideration before this agency?

(e) IC 35-44-2-1 concerning perjury applies to an interpreter.

#### **IC 35-34-2-4**

##### **Conduct of proceedings**

Sec. 4. (f) The grand jury may request the court to provide an interpreter to assist the grand jury in understanding the testimony of any witness, and the court shall provide an interpreter when requested. Before assuming his duties with the grand jury, an interpreter shall take an oath before the grand jury that he will faithfully interpret all testimony of the witness and that he will keep secret all matters before the grand jury that are within his knowledge. He may be present as requested by the grand jury, except as set out in subsection (h).

### **RESOURCES:**

The resources listed below are not a comprehensive list, but a starting off point for locating necessary services. The list is provided for your information and should not be considered an endorsement of these entities by the Indiana Judicial Center.

Registry of Interpreters for the Deaf, Inc.

333 Commerce Street  
Alexandria, VA 22314

[www.rid.org](http://www.rid.org)

**Voice:** (703) 838-0030

**TTY:** (703) 838-0459

**Fax:** (703) 838-0454

Office hours -- Monday - Friday, 9:00 AM to 5:00 PM EST

Deaf Link (Fort Wayne)

**TTY:** (260) 744- 6145

**Voice:** (260) 456-3412

Hands On Sign Language Services

**Email:** [interpreting@purple.us](mailto:interpreting@purple.us)

**Voice:** 866.669.7707

<http://www.handsonsvs.com/>

## **OTHER RESOURCES**

Department of Justice, Americans with Disabilities Act, <http://www.ada.gov/>

This section includes the following:

Communication Accessibility in the Courts:

<http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/accessfair&CISOPTR=115>

Assisting the Blind and Visually Impaired:

<http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/accessfair&CISOPTR=145>

Title II- Self Evaluation:

<http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/accessfair&CISOPTR=114>

NCSC Resource Guide:

<http://www.ncsc.org/Topics/Access-and-Fairness/Americans-with-Disabilities-Act-ADA/Resource-Guide.aspx>

Indiana Family and Social Services Administration, <http://www.ai.org/fssa/servicedisabl/>

## Effective Use of Jurors

Measure

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**Definition:** *Juror Yield* is the number of citizens selected for jury service who are qualified and available to serve, expressed as a percentage of the total number of prospective jurors summoned. *Juror Utilization* is the rate at which qualified and available jurors are used at least once in trial or voir dire, expressed as a percentage of the total number of qualified and available jurors (yield).

**Purpose:** The objective of this measure is to minimize the amount of effort expended to summon and qualify prospective jurors and to maximize the rate at which they are used to select juries.

**Method:** Courts differ in their approach to drawing a pool of qualified jurors. The Juror Yield Computation Worksheet below accommodates most one-step or combined qualifying and summoning practices.

### Juror Yield Computation Worksheet

Potentially Available	Not Available
A. Summonses Sent _____	D. Non-response/Failure to appear _____
B. Postponed to Serve this Period + _____	E. Undeliverable + _____
C. Total Potentially Available = _____	F. Disqualified + _____
	G. Exempt + _____
	H. Excused + _____
	I. Postponed to Future Period + _____
	▼
	▼
	▼
	J. Total Not Available to Serve = _____
	▼
K. Total Qualified and Available = $\frac{C - J}{C}$	
L. Juror Yield (%) = $\frac{(K / C) \times 100}{C}$	

### Notes:

- A. Summonses Sent:** The total number of summonses sent to prospective jurors.
- B. Postponed to Serve this Period (Postponed In):** The number of people summoned and postponed from a previous measurement time period who are required to serve during this time period.
- C. Total Potentially Available:** Total number of people expected to report for jury service, calculated as the Number of Summonses Sent plus the number Postponed to Serve this Period (A+B).
- D. Non-response/Failure to appear:** The number of people not responding to the jury summons and not reporting for jury service as instructed.
- E. Undeliverable:** The number of summonses sent out that were returned by the post office as undeliverable.
- F. Disqualified:** The number of people not allowed to serve by statute (e.g., those who are no longer residents of the jurisdiction).
- G. Exempt:** The number of people allowed by statute to be excused at their own request who have made and been granted such a request.
- H. Excused:** The number of people excused at the court's discretion (e.g., financial hardship). Excuse guidelines should be set by statute or court rules.
- I. Postponed to Future Period (Postponed Out):** The number of people postponed at the court's discretion during this measurement period to serve at a future date.
- J. Not Available to Serve:** Total number of people not available to serve due to items D through I (D+E+F+G+H+I).
- K. Total Qualified and Available:** The total number of persons potentially available to serve minus the total number not available to serve (C-J).
- L. Juror Yield:** The percentage of citizens selected for jury duty who are qualified and available to serve, expressed as a percentage of the total number of prospective jurors potentially available ((K/C) x 100).





The Juror Yield Worksheet provides an overall measure of juror yield. A commonly used goal for yield is 50 percent or higher, a value demonstrated to be realistic in many well-managed courts. The worksheet also provides courts with more detailed and diagnostic feedback on specific areas in which the court might improve. For instance, courts with high percentages of undeliverable summonses (E on the worksheet) might seek to improve the accuracy of source lists. Courts with a high number of excused (H on the worksheet) might choose to evaluate their policy for granting requests to be excused or implement procedures that reduce the burden of jury service (e.g., using shorter terms of service or providing childcare). If the court has a large number of potential jurors failing to appear (D on the worksheet), it may choose to implement stricter summons enforcement.

## Analysis and Interpretation

### Juror Yield Over Time



Courts may track juror yield over time and evaluate unusual variations. Although variations are expected, points falling well above or well below the average can alert the court to the need for possible adjustments. For example, any time the yield rises above an upper limit (e.g., 55%), the court can reduce the number of persons summoned. Similarly, any time the yield falls below a lower limit (e.g., 45%) the court should examine its jury management practices to make appropriate improvements.

### Postponement Ratio

Ratio of Postponed Out to Postponed In

Month	Jurors Postponed		Ratio
	Out	In	
March	260	250	1 to 1
April	255	253	1 to 1
May	250	245	1 to 1
June	290	220	1.3 to 1
July	300	210	1.4 to 1

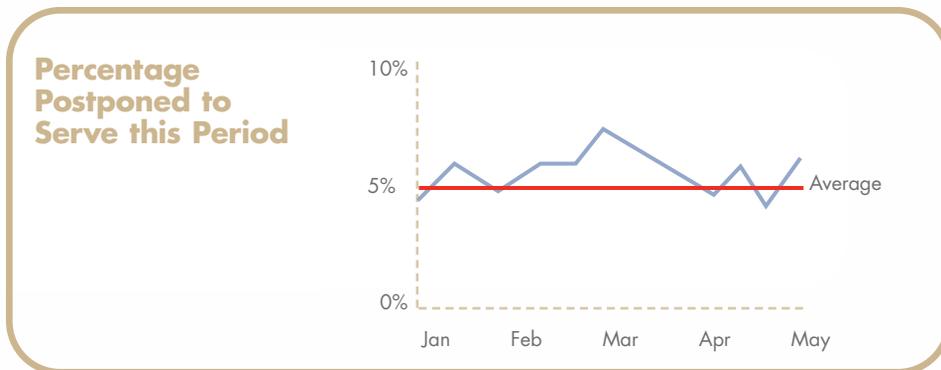
From the Juror Yield Computation Worksheet, the court can calculate the ratio of potential jurors postponed out to the number postponed in to evaluate postponement practices. The ratio is calculated by dividing the number of *Postponed to Future Period* (I) by the number *Postponed to Serve this Period* (B). Ideally, this ratio should be in balance at 1:1 and stable over time so that the court is not short of potential jurors in some periods while having a surplus in others. As shown above, the court's postponement ratio has become problematic in the summer months, as more potential jurors are allowed to postpone their service.

## Effective Use of Jurors

Measure

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As a complement to the previous calculation, the court can also calculate the proportion of potential jurors *Postponed to Serve this Period* as a share of *Summonses Sent*  $(B/A) \times 100$ . This allows the court to monitor deferral rates and prevent high deferral rates, since this may skew the jury pool (e.g., all “snowbirds” showing up for jury service during summer months). Based on this analysis, the court might need to restrict the time periods into which people postpone.



## Juror Utilization

The second element of this measure, *Juror Utilization*, helps the court maximize the rate at which the qualified and available jurors are used to select juries. By implication, this measure minimizes the number of unused jurors (jurors who are qualified and available, but told not to report for jury service, not sent to a courtroom for jury selection, or not sworn, challenged or excused during jury selection). This element address the problems of non-use of panels due to day-of-trial cancellations; sending jury panels that are larger than needed to select a jury; and over-summoning practices that result in large number of prospective jurors being told not to report for service.

Once the prospective juror is summoned and qualified for service, the person will fall into one of six categories defined below. Note that courts need to distinguish between completed jury selection (defined as once the jury is sworn) and incomplete jury selection (defined as any time a case is disposed during the jury selection process by settlement, plea, or continuance, prior to the jury being sworn), in order to obtain an accurate picture of their *Juror Utilization*.

The categories are:

- M. Never Told to Report:** The number of jurors who were qualified and available for jury service on the date summoned who were told not to report for service.
- N. Never Assigned:** The number of jurors who were not assigned to a jury panel and sent to a courtroom for jury selection; the jurors remained in the assembly room until dismissed.
- O. Utilized in Incomplete Jury Selection:** The number of jurors assigned to a jury panel and sent to a courtroom for jury selection, when a jury was not sworn.
- P. Selected in Completed Jury Selection:** The number of jurors impaneled to serve on a jury as a sworn juror or alternate, when a jury was sworn.
- Q. Challenged or Removed in Completed Jury Selection:** The number of jurors excused by peremptory challenge, challenge for cause, or hardship, when a jury was sworn.
- R. Not Selected, Challenged, or Removed in Completed Jury Selection:** The number of jurors who were assigned to a courtroom and attended jury selection, but not questioned or needed to impanel a jury, when a jury was sworn.



*Juror Utilization* has three components. The first component is the *Percent of Panel Used*, which assumes the court does not impanel multiple juries for different trials from the same jury panel. This percentage is calculated as  $((P+Q) / (P+Q+R)) \times 100$ . A suggested goal for this component is 90% or greater. The second component is the *Percent Sent for Jury Selection*, which is defined as the percentage of jurors who reported for jury service and were assigned to a jury panel and sent to a courtroom for jury selection, regardless of whether a jury was ultimately selected. The formula for this component is  $((O+P+Q+R) / (K-M)) \times 100$ . The suggested goal for this component is also 90% or greater. The third component is the *Percent Told to Report*, which is calculated as  $((K-M) / K) \times 100$ . For this component, 90% or more of the total jurors who are qualified and available for jury service should ultimately be told to report for jury service. The overall juror utilization rate should be 73% or greater (90% x 90% x 90%). The extra 10% of unused jurors for each component ensures that the court always has a sufficient number of extra jurors to meet unanticipated demands on any given day.

Examination of the different components of juror utilization can help the court identify specific factors that may result in under-utilization of jurors. When the *Percent of Panel Used* is consistently less than 90%, for example, it indicates that panel sizes are larger than needed and should be reduced. A consistently low *Percent Sent for Jury Selection* is often caused by day-of-trial cancellations due to settlement, plea agreement or continuance. Improved pretrial management can help courts increase the rate at which trials will proceed as scheduled so that jurors are not told to report unnecessarily. The *Percent Told to Report* reflects the precision with which the court predicts the future demand for jurors. The third component can be the most difficult to control because it requires an accurate estimate of the future demand for jurors and a relatively consistent juror yield. If the court finds that it consistently tells more than 10% of the qualified and available jurors not to report, it should reduce the number of summonses accordingly.

Calculations for *Juror Yield* and *Juror Utilization* act as a starting point for a discussion on how to improve the court's ability to effectively manage jury service. The interplay between *Juror Yield* and *Juror Utilization* demonstrates the need for using both elements of this measure. High yields affect the ability of the court to utilize all of the qualified jurors available for service. On the other hand, low yields may create a shortage of prospective jurors and may indicate that the court's efforts to summon and qualify jurors are ineffective.



**Jury Managers' Toolbox**  
 Find more jury management tools at [www.jurytoolbox.org](http://www.jurytoolbox.org)

## Terms You Need to Know

**Jury Trial:** A category of case dispositions in which a jury is impaneled to determine the issues of fact in a case. A jury trial should be counted as beginning when the jury has been sworn, regardless of whether a verdict is reached.

**Summons:** A first-time summons sent to a prospective juror during the measurement period. This is not a count of people, but a count of all the mail sent, and should not include reminders or re-summonees (a second summons sent to a prospective juror who was postponed from a previous period).

**Undeliverable:** A summons that cannot be delivered. A summons that is reprocessed after obtaining change-of-address information should not be counted as undeliverable.





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## Jury Managers' Toolbox

The **Jury Managers' Toolbox** is an online diagnostic tool designed to help state court administrators and jury managers evaluate and improve jury management operations and procedures.

- [Best Practices for Duplicate Removal](#)
- [Best Practices for Effective Juror Utilization](#)
- [Best Practices for Excusal Policies](#)
- [Best Practices for Implementation of Online and IVR Capabilities in Jury Automation](#)
- [Best Practices for Jury Summons Enforcement](#)
- [Best Practices to Decrease Undeliverable Rates](#)
- [Characteristics of an Effective Master Jury List](#)
- [Converting from a 2-step to a 1-step Jury System](#)
- [A Primer on Fair Cross Section Jurisprudence](#)



[Visit the toolbox](#)

### WHAT WE DO

- Jury system management
- Juror utilization
- Fair cross section
- Jury system technology
- Jurors and new media
- Innovations in jury trial procedures
- Voir dire
- Juror comprehension, decision-making and deliberations
- Jury instructions
- Notorious trial management
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Dear Judges and Jury Administrators:

The Jury Pool Project Team has received reports of underage persons appearing on the jury pool lists. As you may recall in letters previously distributed regarding the master list prepared by the Jury Pool Project Team, some of the records on the master list did not contain date of birth information. If a record did not contain a date of birth, the Project Team kept the record in the master list because there was not enough information to determine whether or not the person was age qualified. In making this decision, the Project Team determined that the local juror qualification process that occurs prior to the juror's appearance in court was the best method to determine whether or not a person was age qualified when the date of birth was not in the record.

Some of you have asked how underage persons could be included on these lists. The master list combines data from the BMV (driver's licenses and state identification card holders) and the DOR income tax filers. A person under the age of 18 could have received either a driver's license or ID card and the date of birth field was entered incorrectly (i.e. date of birth entered as 01/31/1986 instead of 01/31/1996). In addition, such persons may have a reason to report income to the DOR (i.e. income from part-time work, trust income, etc.). The DOR does not collect date of birth information on tax filings.

The Project Team continues to review the process and work with the BMV and DOR on ways to improve the jury pool lists. We appreciate all of your comments and feedback regarding this project. If you have comments or suggestions, please feel free to contact Michelle Goodman, Indiana Judicial Center, (317-232-1313) or Joy Hess, JTAC, (317-234-2604).

## Memorandum

Re: Right to vote restored permitting jury service  
From: Michelle C. Goodman, Staff Attorney  
Date: June 22, 2016

The following is a summary of the cases and statutes reviewed relating to this issue:

### Cases:

Snyder v. King, 958 N.E.2d 764 (Ind. 2011): Opinion on certified question; The crime of misdemeanor battery is not an “infamous crime” under Article II Sec. 8 of the Indiana Constitution, but the General Assembly has separate constitutional authority to cancel voter registration of a person incarcerated following a conviction for the duration of incarceration.

U.S. v. Brown, 235 F.Supp.2d 931 (S.D. Ind. 2002): This case involved a person charged under federal firearms regulations in which the defendant argued that he was part of a category exempt from the scope of the statute because his civil rights had been restored. The Court discussed Indiana statutes concerning the revocation and restoration of the right to vote and the right to serve on a jury. The Court held that a convicted person’s right to vote is restored when released from incarceration based on the reading of I.C. 3-7-13-4 and I.C. 3-7-13-6. The Court also held that a convicted person’s right to serve on a jury is restored when the person’s sentence expires based on the reading of I.C. 33-4-5-7(b)(4).

U.S. v. McKinley, 23 F.3d 181 (7<sup>th</sup> Cir 1994): This case involved a person charged with possession of a firearm and ammunition as a convicted felon. The defendant claimed that I.C. 3-7-1-15 restored the right to vote to convicted felons who have served their time (repealed 1995; present provisions I.C. 3-7-13 adopted 1995) and operated to restore his civil rights making the defendant exempt from the scope of the federal statute. The Court held that to be exempt from the federal statute the restoration of civil right must be substantial. The Court discussed I.C. 3-7-1-15 (permits a person who is not incarcerated to vote), I.C. 3-8-1-5 (prohibits convicted felon from holding elective office), I.C. 33-4-5-7 (person serving a sentence is not eligible for jury service), and when a conviction is counted for purposes of Indiana recidivist law. Based on this discussion the Court held Indiana did not substantially restore a convicted felon’s civil rights and went on to say that even if the defendant’s civil rights were restored the defendant is still subject to the federal law because his parole agreement prohibits possession of firearms.

**Statutes:** (Updated through 2016 Session)

“The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.” Ind. Const. Art 2 §8.

### **I.C. 3-7-13-1 – Registration Requirements**

A person who:

- (1) Will be at least eighteen (18) years of age at the next general, municipal, or special election;
- (2) Is a United States citizen; and
- (3) Resides in a precinct continuously before a general, municipal, or special election for at least thirty (30) days;

may, upon making a proper application under this article, register to vote in that precinct.

### **I.C. 3-7-13-4 – Persons convicted of crime and imprisoned**

(a) A person who is:

- (1) Convicted of a crime; and

- (2) Imprisoned following conviction; is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.
- (b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:
  - (1) Imprisoned; or
  - (2) Otherwise subject to lawful detention.

#### **I.C. 3-7-13-5 - Restoration of right to vote**

A person described in section 4 of this chapter who is otherwise qualified to register under this article is eligible to register when the person is no longer:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

#### **I.C. 3-7-13-6 – Persons on probation, parole, home detention, or in community corrections program**

- (a) This section applies to a person who is:
  - (1) Otherwise qualified to register under this article; and
  - (2) Not imprisoned or subject to lawful detention.
- (b) A person described in subsection (a) who is:
  - (1) On probation;
  - (2) On parole;
  - (3) Subject to home detention under IC 35-38-2.5; or
  - (4) Placed in a community corrections program under IC 35-38-2.6;is eligible to register and to vote.

#### **I.C. 3-7-46-1 – Removal from list of registered voters**

As permitted under 42 U.S.C. 1973gg-6(a)(3)(B) and in the manner required under 42 U.S.C. 15483, a county voter registration office shall remove from the official list of registered voters the name of a voter who is disfranchised under this chapter due to a criminal conviction.

#### **I.C. 3-7-46-2 – Disfranchisement of person imprisoned following conviction**

A person imprisoned following conviction of a crime is disfranchised during the person's imprisonment.

# Jury Management News

July 14, 2016

- **Master list for jury pools**

The 2017 new master list will be available to trial courts in September. The master lists will be available to download using the Indiana Court Information Technology Extranet (“INCite”), a secure website hosted by Court Technology. Check INCite for more information on the release date.

If you have any questions or need additional information, please feel free to contact Michelle Goodman, Staff Attorney, Indiana Judicial Center, at (317) 232-1313 or [michelle.goodman@courts.in.gov](mailto:michelle.goodman@courts.in.gov).

- **Jury Management System (JMS)**

Court Technology has a free jury management system available to courts upon request. If you or your staff are interested in the system, now is the time to act. You can receive a demonstration or training on the system and be ready to start the 2017 jury pool with our jury management system. More information about the system is on the back of this flyer.

If you have questions, need a demonstration, or would like training on this system, please contact Jill Russell, Court Technology, at (317) 234-2734 or [jill.russell@courts.IN.gov](mailto:jill.russell@courts.IN.gov).

- **Feedback**

As the Jury Committee continues to work with Court Technology to provide the annual master list for jury pool formation, the Committee continues to look for ways to improve this process. The Committee would like to remind all counties to provide updated juror information to Court Technology. The Committee believes that obtaining these updates will improve the processing of the master list in the future.

If you are using the JMS system provided by Court Technology, please be sure to input any address changes, date of birth, permanent disqualifications, etc. into the system. The project staff can use information placed in the JMS system in processing future master lists. If you identify duplicate records, please contact Jill Russell to report this information.

If you are using a commercial vendor for jury management, we would appreciate a periodic report from your court on any duplicates, deceased, moved out of county/state, etc. The Committee provides a form on INCite so the jury administrators can report any updated information to Court Technology. Jury Administrators can download the form, type in the information, and email it to Jill Russell at [jill.russell@courts.IN.gov](mailto:jill.russell@courts.IN.gov). It is recommended that this information be emailed to Court Technology on at least a quarterly basis.

If you have any comments, suggestions, or feedback on the Jury Pool Project or any other jury-related matter, please feel free to contact Michelle Goodman, Indiana Judicial Center, [michelle.goodman@courts.in.gov](mailto:michelle.goodman@courts.in.gov), or Jill Russell, Court Technology, [jill.russell@courts.IN.gov](mailto:jill.russell@courts.IN.gov).

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# Jury Management System

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## Overview

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With more than 2,000 jury trials in Indiana each year, a critical part of each trial is gathering an impartial jury as guaranteed by the U.S. Constitution. In September 2005, the Indiana Supreme Court created a comprehensive list of potential jurors available to every county free of charge. Since then, courts all over the state have observed more representative, inclusive and diverse jury pools and the Indiana Supreme Court's Jury Pool program has been honored with national and state awards.

The Indiana Supreme Court, Court Technology, and the Indiana Jury Committee have taken the next step by developing a web-based Jury Management System (JMS) that is available to all courts at no cost.

## How It Works

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The JMS is available through the INCite (Indiana Court Information Technology Extranet) website. Users can select jurors randomly for pools and panels, manage information on panels, and prepare claims to pay jurors. The system prints labels and reports and exports data for use in other documents.

Seventy-two Indiana counties use the INCite JMS. Counties that do not use the JMS securely download their Supreme Court-approved master jury list or create and export jury pools from their master list through INCite.

## Benefits of the System

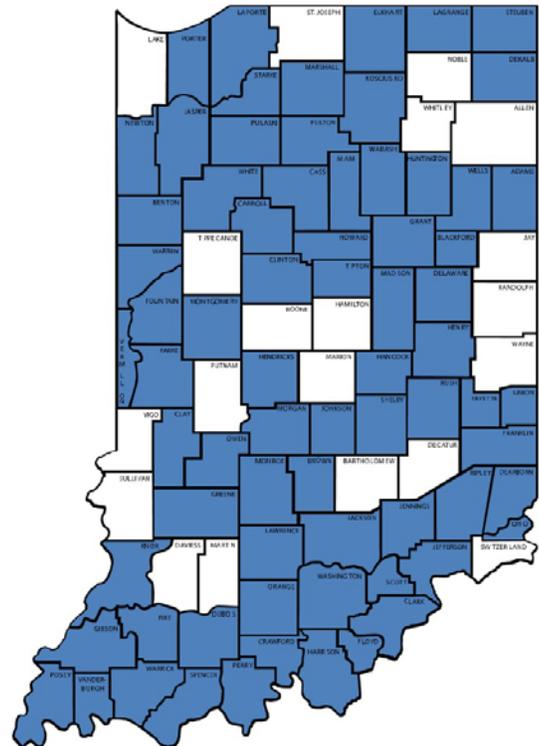
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- The INCite JMS, maintenance and support is free to all counties
- Supreme Court jury lists are automatically imported into the JMS
- Jury management operations are automated
- Juror information is easily searchable and updated
- The system helps merge juror and trial information into documents
- A public website will permit potential jurors to check trial status

## Contact Information

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If you are interested in using the JMS or for more information about the application, please contact Jill Russell at (317) 234-2734 (Fax: 317-234-2605) or [jill.russell@courts.IN.gov](mailto:jill.russell@courts.IN.gov).



## Online Juror/Jury Resources

Portal page: <http://www.in.gov/judiciary/center/2384.htm>

Statewide Jury Pool Project (<http://www.in.gov/judiciary/admin/2645.htm>)

Serving Jury Duty (<http://in.gov/judiciary/2627.htm>)

Indiana Jury Orientation Program Minimum Standards

(<http://www.in.gov/judiciary/center/files/jury-orientation-minimum-standards.pdf>)

Sample Qualification, Exemption, and Deferral Form

(<http://www.in.gov/judiciary/center/files/jury-qualification-exemption-deferral-sample.pdf>)

Sample form for juror questions (<http://www.in.gov/judiciary/center/files/jury-juror-questions-sample.pdf>)

Sample Juror Exit Survey (<http://www.in.gov/judiciary/center/files/jury-juror-exit-survey-sample.pdf>)

Jury Rules FAQ's (<http://www.in.gov/judiciary/center/2408.htm>)

Jury Management System (<http://www.in.gov/judiciary/admin/2647.htm>)

Indiana Jury Rules (<http://www.in.gov/judiciary/rules/jury/>)

Indiana Code – IC 33-28-5 (jury statutes) and IC 35-34-2 (grand jury statutes)