

THE DAILY RECORD

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The state's Ethics Commission for the Unified Court System issued 63 notices of delinquency for failure to timely file complete 2008 financial disclosure statements. **Page 3**

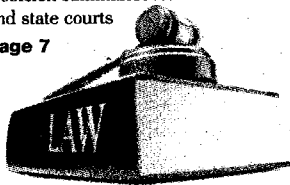
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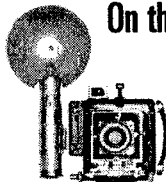
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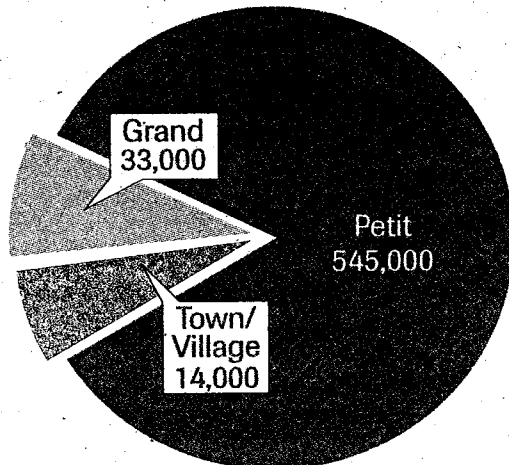
On the Town

Volunteers called for pledges this week as part of the 23rd annual Campaign for Justice. **Page 10**

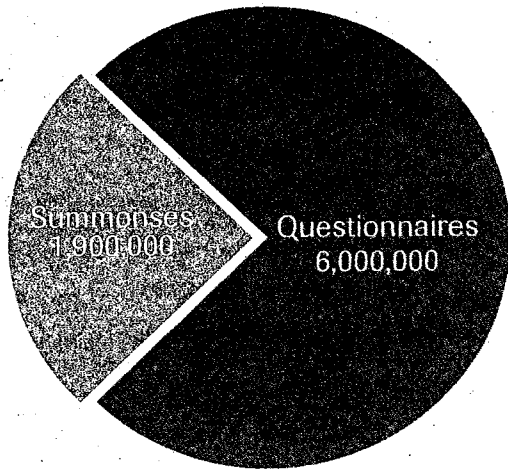


Jury pool study approved

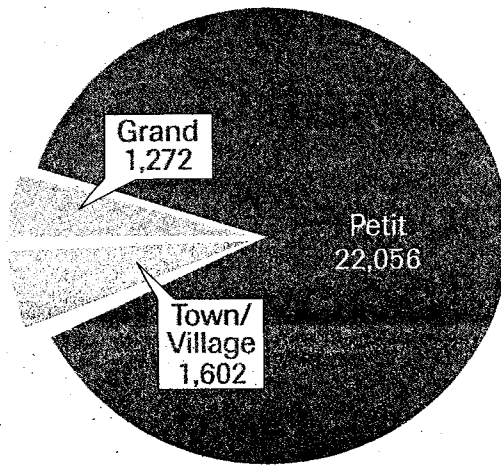
New York State jurors served 2008



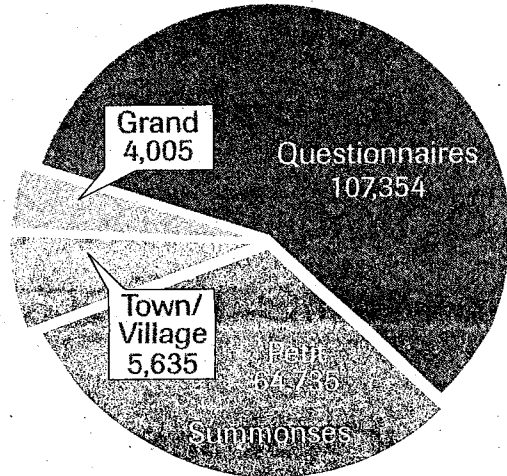
New York State mailings 2008



Monroe County jurors served 2008



Monroe County mailings 2008



Where do jurors come from?

Registered voters, DMV license or ID, NYS tax filers, Department of Family Assistance and Department of Labor UI recipients.

Source: *The New York State Jury System: An OCA Study in Monroe County*

BY ELIZABETH STULL

Beginning in January, every juror who appears to serve in Monroe County will be asked to fill out a "Juror Information Card" identifying his or her age, gender, Hispanic origin and race.

The cards are part of a study to determine whether minorities are underrepresented in

Monroe County's jury pool.

"The purpose is to simply make sure we have an unassailable study that can serve as the foundation for going forward if there is a problem of underrepresentation," Appellate

See **JURY** page 9

COA rules

The Commission which nominated to the New York Wednesday revised draft operating rules.

The commission of proposed received several and groups including Association, the New York Court the Fund for M announced Wednesday.

The newly many of those

Commission Judith S. Kaye judge, said in that the "new" the experience mission and the wisdom of a thoughtful N and ensure the mission will serve the public.

The commission for the lack of nominees to Kaye. Gov. Da rage, for one, were women.

The republic outreach for civic and public register with two-step application procedure for nomination's voting process.

Other substance of an interim orientation session revised rules <http://nysegov> sent to the court Younger, at sp

Local jury pool study approved

JURY from page 1

Division, Fourth Department Presiding Justice Henry Scudder said Tuesday.

The Appellate Division hosted a closed meeting Monday on the methodology of the research, with several judges and representatives of the Monroe County Bar Association's Committee on Diversity in attendance. The committee has been advocating for a study for almost five years.

It will be the first time New York State has ever conducted a systematic, countywide jury study.

Methodology

In addition to those reporting for jury service, the study will survey those who respond to initial jury questionnaires. Each randomly selected sample will include about 1,000 people.

The data will be processed by the county Commissioner of Jurors and forwarded to the state Office of Court Administration for analysis.

"It's a tremendous opportunity for us to have a study conducted here in Monroe County," Commissioner of Jurors Charles Perreaud said Wednesday.

Such studies are routinely performed by many courts throughout the country, according to Paula L. Hannaford-Agor, director of the Center for Juries Studies at the National Center for State Courts.

She is one of three nationally known experts acting as consultants on the Monroe County project. The other consultants are Cornell Law School Professor Valerie P. Hans, who has written four books on the jury, and G. Thomas Munsterman, director *emeritus* and founder of the Center for Jury Studies of the National Center for State Courts.

Data collection could take up to six

months since questionnaires routinely are sent three times, at 10-week intervals, to ensure a better response rate.

Perreaud said the county typically has a jury pool of about 20,000 people. His office sends 2,000 to 4,000 questionnaires each month. Summonses go out to 700 to 1,200 qualified persons weekly, depending on the trial courts' needs, Perreaud said. The summonses have a 92 percent compliance rate.

Distribution, compliance good
OCA Management Analyst Elissa Krauss said Wednesday that Monroe County's summons compliance rate is extremely high.

Krauss, who is directing the study, said the county also has a high qualification rate.

Based on her review of 42,500 qualification questionnaires mailed from June to November 2008, 65 percent of respondents were qualified and 8 percent were unqualified.

The non-response rate is about 11 percent — "not bad at all," she said. Other potential jurors were not found or excused.

Krauss said the county also is effective at distributing qualification questionnaires and summonses based on population.

"We are at least reaching all of the communities in the county," she said. Problems with distribution in Detroit and Grand Rapids (Kent County), Mich., previously resulted in juries that underrepresented African-Americans, Hannaford-Agor said. In Kent County, a computer glitch excluded entire Zip codes from receiving summonses, she said.

"Most urban areas have some underrepresentation of minorities" ranging

from 2 percent to 4 percent, Hannaford-Agor said. "It's largely being driven by problems that are very hard to get a handle on."

New York courts use a centralized jury management system, which already has implemented most of the "best practices" recommended by the Center for Juries Studies.

New York updates its lists of potential jurors frequently and follows up with those who don't respond or fail to appear. The state's "two-step" process of issuing questionnaires followed by a summons months later — rather than mailing both at once — can result in a lower jury yield, however, particularly among minority populations, Hannaford-Agor said.

Monroe County Public Defender Tim Donaher said his office has long supported a study of the local jury pool, and he would be surprised if the project does not reveal underrepresentation.

"We're now going to get access to data that we haven't had previously," he said. "Until you know why, it's hard to suggest ways to remedy it."

The study first was proposed by the Monroe County Bar Association's Diversity Committee in 2005.

Committee members led by Michael Wolford, of The Wolford Law Firm, developed a proposed study with John Klofas, chairman of the Criminal Justice Department at Rochester Institute of Technology, and began lobbying for state approval.

Fourth Department Presiding Justice Scudder brought the proposal to the Administrative Board of the Courts, and Chief Judge Jonathan Lippman announced the court system's support for such a study during this summer's installation dinner for MCBA President Harold A. Kurland.

Wolford said his committee is pleased with the planned study.

Qualifications

- At least 18 years old
- County resident
- U.S. citizen
- Able to understand, communicate in English
- Not a convicted felon
- Felons with Certificate of Relief from Disabilities or a Certificate of Good Conduct are eligible. 1991 WL 49987 (N.Y.A.G.)

Disqualifications

- Disqualified for two years:
 - Unable to understand, communicate in English
 - Not a U.S. citizen
- Permanent disqualification:
 - Non-resident
 - Felon without certificate

"I'm no expert on statistical studies, ... but from our standpoint it looks to be fairly thorough," Wolford said.

Krauss said she expects to present preliminary results before the end of 2010.

Perreaud said he is not concerned about the extra paperwork that will be generated by the study: "I don't consider this to be a burden at all — this is an opportunity."

— elizabeth.stull@nydailyrecord.com