



**CONCEPT PAPER
APPLICATION WAIVER REQUESTED**

Jury Summit 2000: A Planning Grant for a National Conference

*SPECIAL INTEREST CATEGORY:
II.b.(4) Education and Training for Judges and Other Key Court Personnel
Duration: Nine Months*

Presented to:

State Justice Institute
1650 King Street, Suite 600
Alexandria, VA 22314

January 19, 2000

For further information contact:

Victor E. Flango, Ph.D.
Vice President, Research Division
(757) 253-2000

National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23187-8798

TABLE OF CONTENTS

I. PROJECT NEED AND BENEFITS EXPECTED	1
II. TASKS TO BE PERFORMED.....	3
TABLE 1: STAFF, TASKS, AND TASK SCHEDULES	3
III. EVALUATION.....	5
IV. PRODUCTS	5
V. PROJECT MANAGEMENT AND STAFFING	6
VI. BUDGET AND BUDGET NARRATIVE.....	7
TABLE 2: BUDGET SUMMARY.....	7
TABLE 3: DETAILED BUDGET	8

PROJECT NARRATIVE

I. PROJECT NEED AND BENEFITS EXPECTED

Never in the history of trial by jury has there been so much activity to improve this revered institution. Currently, over half of the states in the U.S. have organized jury reform task forces or commissions to consider improvements to their respective jury management systems and procedures. National and even international symposia on the institution of trial by jury have hosted judges and other key court personnel, lawyers, legislative and executive policy makers, business executives, and academicians for debates on the contemporary role of the jury in American jurisprudence.¹ A number of prominent publishers have dedicated whole issues of periodicals and compilations of scholarly papers to these topics.² Much of this activity, including the development of the ABA Standards Relating to Juror Use and Management,³ the preparation of Jury Trial Innovations,⁴ and evaluations of specific jury reform efforts,⁵ has been supported by the State Justice Institute.

Many states, such as New York and Arizona, have made incredible improvements as a result of all this activity. Some states have tried to implement reforms, but were unable to gain

¹ See, e.g., CHARTING A FUTURE FOR THE CIVIL JURY SYSTEM: REPORT FROM AN AMERICAN BAR ASSOCIATION/BROOKINGS SYMPOSIUM (1992); Robert G. Boatright, *The 21st Century Jury: Reflections on the Cantigny Conference*, JUDICIATURE (forthcoming 2000); [Sicily Conference]; 1988 Clifford Symposium: *The American Civil Jury: Illusion and Reality*, 48 DEPAUL L. REV. (1998); *Jury Reform: Making Juries Work Symposium*, 32 U. MICH. J. L. REFORM (1999).

² *The Common Law Jury*, 62 L. & CONTEMP. PROBLEMS (1999); *Jury Reform: Reshaping the Bedrock of Democracy*, 36 JUDGES' J. (1997); *The Jury: Research and Reform*, 79 JUDICIATURE (1996); VERDICT: ASSESSING THE CIVIL JURY SYSTEM (Robert E. Litan, ed. 1993).

³ Grant Nos: SJI-87-003, SJI-88-062, SJI-90-027; SJI-91-036, SJI-91-036-P92-1, SJI-91-036-P94-1, SJI-91-036-P95-1.

⁴ SJI-93-263.

⁵ Grant No.: SJI-88-018 (Juror Notetaking and Question Asking: A Field Experiment); SJI-88-049 (The Relationship of Juror Fees and Terms of Service to Performance); SJI-93-272 (Making Juries Accessible to Persons with Disabilities: An Action Guide); SJI-94-320, SJI-94-320-U981 (Responding to Juror Stress); SJI-96-155 (Evaluation of Jury Representativeness); SJI-96-181 (Should Jurors Be Permitted to Discuss the Evidence Prior to Deliberation?); SJI-97-N-247, SJI-97-N-247-U981 (Juror Discussions During Trial – Aid to Comprehension or Invitation to Premature Judgment); SJI-A-99-026 (Assessing Innovations in Jury Management Technology).

sufficient momentum to overcome idiosyncratic barriers to these efforts within their legal and judicial communities. Still others have not seen the wisdom of supporting such efforts. What is needed now is a national conference that will bring together all the state courts, the Bar, and interested institutions to showcase what has been done, what is being planned, and the underlying rationale for these efforts. Such a conference would build additional momentum for the efforts already underway and provide a national focus on the improvements to the jury system that have already been implemented by judges, courts, and legislators around the country.

The New York State Unified Court System has offered to host the conference, entitled "Jury Summit 2000", and begin coordination of the conference, which will be held in Fall 2000. The National Center for State Courts submits this concept paper for a planning grant to supplement the efforts of the New York Unified Court System and to invite other states and organizations to contribute to the conference planning. The conference decision making body will be a small executive committee with representation of the Conference of Chief Justices, the Conference of State Court Administrators, the New York Unified Court System and the National Center for State Courts. Participation by the Federal Courts will be sought through the Federal Judicial Center. The purpose of this conference will be to:

- 1) Showcase the changes made in the jury systems in U.S. courts and the methods of implementation through which these changes were made;
- 2) Describe the rationale for these changes;
- 3) Develop a national focus on jury system innovations and provide a means to keep that focus alive; and
- 4) Inspire those states that have not been active in the jury improvement process to consider such an effort.

Rather than publishing the conference proceedings after the event, a conference website will be available well before the conference and will be maintained as living proceedings of these efforts in the states.

II. TASKS TO BE PERFORMED

Responsibility for the conference will rest upon an Executive Committee that will exercise management control of the conference including invitation policies, program content and format and acceptance of sponsoring support.

The project tasks are outlined in Table 1 and described briefly below.

Table 1: Staff, Tasks, and Task Schedules

	GTM	RA	Admin	Month
Task 1: Select and Convene Advisory Committee	6	4	4	1 - 3
Task 2: Support Conference Planning	10	4	6	1 - 9
Task 3: Establish Summit Website				1 - 9
Total	16	8	10	
Staff Key: TM: G. Thomas Munsterman RA: Research Associate Admin: Administrative Assistant				

Task 1: Select and Convene Conference Advisory Committee. An Advisory Committee consisting of approximately 20 members will be selected to plan the agenda for the conference. A two-day meeting will be held in New York City to discuss possible topics, presentations and formats. Eight of the committee members will be individuals from the New York Unified Court System and other New York State organizations because of their planning, logistical and possible sponsoring functions. The Executive Committee will select the out-of-state members of the Advisory Committee with consultation from the State Justice Institute. This grant will support the travel expenses for the out-of-state members who will be drawn from:

- State Jury Reform Commissions and Task Forces;

- Jury Researchers from Academic and Non-Profit Organizations
- Community Organizations Supporting Jury Reform Efforts
- Bar Organizations
- Media Organizations
- Judicial Educational Organizations

Task 2: Support Conference Planning. Planning for a conference of this magnitude and uniqueness will require the time and expertise of many people. The New York Unified Court System is contributing the time of many of its staff. The NCSC has provided support for the planning meetings that have occurred prior to the submission of this concept paper. Task 2 covers the SJI-funded activities of the Executive Committee throughout the planning process including development of conference agenda, recruitment of keynote speakers, and planning and establishing protocols for the conference website.

Task 3: Establish Summit Website. We are proposing the creation of a conference website, ideally in conjunction with an existing website, on which information on jury improvement efforts would be made available at a central and easily located URL address. Both the NCSC and the New York Unified Court System have websites that could be used. The website will serve as a much-needed source of information on the various state efforts as well as feature materials developed for the conference and as a result of the conference. Under this task, \$4,500 is budgeted to support this effort. At this time, we do not know the resources (e.g., staff, professional expertise, and technology) that will be necessary to accomplish this task or the

existing resources that may be available as in-kind match.⁶ When this task is better defined, the details will be presented to the SJI and any appropriate grant adjustments will be sought.

III. EVALUATION

Although there will be no formal evaluation of the planning committee activities, the composition of the committee will help ensure that the full menu of jury improvement efforts is presented in the conference activities. An evaluation of the conference by attendees will also be provided to the SJI as evidence of the success of the Planning Committee in developing the conference agenda and presentations.

IV. PRODUCTS

The "product" of the Planning Committee's work will be the conference itself, including any papers or presentations developed for the conference as well as the conference website through which these activities will be made available to courts around the country. The website, in particular, will be an ongoing product of the Planning Committee and the conference.

⁶ For example, the SJI-funded project entitled "Tools for a Knowledge Management Network for Courts" may include conference-supporting resources.

V. PROJECT MANAGEMENT AND STAFFING

Grant management will be the responsibility of Mr. G. Thomas Munsterman, Director of the NCSC's Center for Jury Studies, and one of the original planners for this conference. Other NCSC staff will assist as needed. Should any consultants or sub-contracting be needed, this would be requested via an amendment to this grant.